

**MEETING MINUTES OF THE  
PLANNING & ZONING COMMISSION  
TWIN OAKS, MISSOURI  
TUESDAY, JULY 26, 2022**

The Planning and Zoning Meeting was called to order at 6:30 p.m. Commissioner Roger Loesche chaired the meeting in Chairman Frank Venturella's absence.

Members:	Frank Venturella, Chairman		Joe Krewson	X
	Roger Loesche	X	Craig Cwiklowski	
	Jeff Graves	X	Lisa Eisenhauer, Alderman	X
	Ray Slama		Shazia Brown	X
	Russ Fortune, Mayor	X		

Also, in attendance was Frank Johnson, City Clerk/Administrator; Paul Rost, City Attorney.

**APPROVAL OF THE AGENDA**

Commissioner Graves moved, seconded by Alderman Eisenhauer, to approve the Agenda. Motion passed with the unanimous consent of the Commission.

**APPROVAL OF THE CONSENT AGENDA**

Commissioner Graves moved to approve the Consent Agenda consisting of the meeting minutes from May 24, 2022. Alderman Eisenhauer seconded the motion and on voice vote, the motion was announced passed.

**NEW BUSINESS**

**Consideration of Amendments to Sections 400.130 and 400.190 of the City of Twin Oaks Municipal Code Pertaining to Home-Based Businesses**

City Attorney Paul Rost gave an overview of HB 1662 and how the recently enacted state law limits local authority in the regulation of home occupations. The proposed changes are an attempt at retaining the City's regulations regarding home-based businesses while being in compliance with the new law. City Attorney Rost stated that the law contains gray areas and issues with its wording that will make crafting an ordinance difficult. In particular, he cited the law's use of two different definitions ("home-based business" and "home-based work") in describing home occupations, and uncertainty regarding how absolute its prohibition against requiring a "permit, license or variance" is.

The Commission discussed potential issues with the new state law and litigation that may arise as a result. Commissioner Loesche stated that the definition of "no-impact home business" will be a source of debate, and he expressed concern over the law's inclusion of activities that occur in a person's yard as well as in the home. City Attorney Rost stated that the prohibition against requiring any kind of variance was also concerning. City Administrator/Clerk Frank Johnson added that it seemed unfair as the new law causes the same kind of business, depending on where it is located within the City, to be treated very differently.



Commissioner Loesche asked City Attorney Rost if it was possible that the state legislature might provide greater clarity on some of these issues. He responded that the Missouri Municipal League has the legislation as one of their top lobbying issues for the upcoming session of the state legislature, and that there do seem to be some legislators who are aware of the concerns with the law.

City Clerk/Administrator Johnson explained that the proposed changes ask property owners to submit much of the same information to the City whenever they start a home-based business as it did previously, but now it is phrased as a request instead of a requirement in order to get a permit. This will allow the City to at least continue to have some knowledge about what kind of home-based business are operating in the City, and helps the City ensure residents are not running afoul of the state law. The Commission also discussed issues regarding sales tax compliance for these businesses.

Commissioner Krewson stated that he has a business that he operates out of his home, and he asked City Attorney Rost if that created a conflict of interest for him in voting on the recommendation. He responded that it is not because the new law impacts everyone in the City equally, as all residents have the ability to have a home-based business.

The Commission then discussed how apps that allow home owners to rent out portions of their property, such as a swimming pool, may or may not be considered home-based business. City Attorney Rost stated that it is his opinion that these uses do not constitute a business.

Commissioner Loesche stated that he had reviewed the proposed amendments but did not feel qualified to suggest any further changes. City Attorney Rost said since the changes involve the zoning code, a recommendation from the Planning and Zoning Commission is required before the Board of Aldermen can vote on the issue. He also pointed to the section concerning the "character of the neighborhood" as an area of where the Commission had some flexibility. The Commission also discussed whether or not the operating of a home-based business needs to reside at the property.

Commissioner Loesche motioned to recommend approval of the proposed changes to sections 400.080, 400.130 and 400.190 to the Board of Aldermen. Alderman Eisenhower seconded the motion and on voice vote, the motion was announced passed.

### MISCELLANEOUS BUSINESS

There was no miscellaneous business.

### ADJOURNMENT

Commissioner Graves moved, seconded by Alderman Eisenhower, to adjourn the meeting. Upon voice vote, the motion was announced passed. The meeting adjourned at 7:08 p.m.

  
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Frank Venturella, Chairman

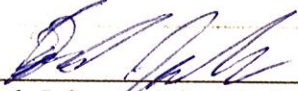
ROGER W. LOESCHE, ACTING CHAIR

3/28/23  
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Date of Approval

es of the Planning & Zoning Commission  
Twin Oaks, Missouri  
Tuesday, July 26, 2022

## Planning & Zoning Commission

ATTEST:

  
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Frank Johnson, City Clerk/Administrator

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