



CITY OF JACKSON
MAYOR & BOARD OF ALDERMEN STUDY SESSION
Monday, May 01, 2023 at 6:30 PM
Board Chambers, City Hall, 101 Court St.

AGENDA

DISCUSSION ITEMS

1. Old Bethel Baptist Church low-water crossing – Bev Nelson
- [2.](#) Missouri Regional Bridge Program
- [3.](#) Amendments to Chapter 65 (Zoning Board of Adjustment)
4. Discussion of previously tabled items (unspecified)
5. Additional items (unspecified)

Posted on 04/28/2023 at 04:00 PM.



City of Jackson

TO: Mayor and Board of Aldermen

CC: Jim Roach, City Administrator

FROM: Anna Bergmark, City Engineer

DATE: April 27, 2023

RE: Missouri Regional Bridge Program – Sunset Drive Bridge Application

The Missouri Department of Transportation (MoDOT) will be requesting applications for the Regional Bridge Program (formerly known as BRO). This year's request for applications is anticipated to be released in May. The Sunset Drive Bridge over Hubble Creek is the only City of Jackson owned bridge eligible to apply for funds. City staff would like to request approval from the Board to submit an application for the construction cost of the replacing this structure. The Sunset Drive Bridge Replacement Project is already in preliminary design with final design scheduled to be complete this year. Due to MoDOT's Highway 61 Project and the North High/Deerwood Drive Roundabout Project, construction of the new Sunset Drive Bridge is scheduled for 2026.

THE LIMBAUGH FIRM
—ATTORNEYS AT LAW—
EST. 1916

Memo

To: Jim Roach, Larry Miller, Rodney Bollinger

From: Curt Poore

Date: April 25, 2023

Re: The Required Notice for Public Hearing of Appeal or Variance before Zoning Board of Adjustment

Staff learned that the City Code notice requirement for hearings before the Zoning Board of Adjustment is insufficient according to State statute. Section 89.050, RSMo. requires notice of hearing at least fifteen (15) days published in the newspaper. City Code Sec. 65-28 (b) requires only seven (7) days.

The proposed code amendment adds a subsection for notice that complies with the State statute. Attached is a copy of the proposed ordinance approving the amendment.

It is unclear whether it is necessary to refer to P&Z a correction of an invalid ordinance that fails to comply with the notice requirement contained in the State statute enabling authority. Since it is unclear, in an abundance of caution, I recommend that authority is requested from the Board to submit this issue by application from the City (Larry Miller) to P&Z for its review and consideration so that the procedure for zoning text amendments is followed.

In the interim, I further recommend that notice of appeals and variance are given in compliance with the State statute and as stated in this proposed ordinance.

Please let me know if you have any questions.

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 65 OF THE CODE OF ORDINANCES OF THE CITY OF JACKSON, MISSOURI, RELATIVE TO THE REQUIRED NOTICE FOR PUBLIC HEARING OF AN APPEAL OR VARIANCE; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF JACKSON, MISSOURI, AS FOLLOWS:

Section 1. That Chapter 65, Article I, Section 65-28, of the Code of Ordinances of the City of Jackson, Missouri, is hereby amended to read as follows:

“Sec. 65-28. - Zoning board of adjustment.

- (b) The zoning board of adjustment shall adopt rules for the conduct of its business, establish a quorum and procedures, and keep a public record of all findings, decisions, and minutes of its meetings. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine, and all meetings shall be open to the public. ~~Any meeting at which an appeal is to be heard shall be a public meeting with public notice of said meeting and business to be carried on published in a newspaper of general circulation in the city at least one (1) time, seven (7) days prior to the meeting, as well as due notice to the parties in interest. Upon the hearing any party may appear in person or by agent or attorney. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses.”~~

Section 2. That Chapter 65, Article I, Section 65-28, of the Code of Ordinances of the City of Jackson, Missouri, is hereby amended to read as follows:

“Sec. 65-28. – Zoning board of adjustment.

- (e) The zoning board of adjustment shall have the following powers:

- (6) A hearing requesting an appeal or variance shall be a public hearing at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen (15) days’ notice of the time and place of

such hearing shall be published in an official paper of general circulation in the city. Written notice of the public hearing shall be provided to all property owners and residents within one hundred eighty-five (185) feet of the subject property exclusive of streets and alleys.”

NOTE TO CODIFIER: Please note in Chapter 65, Article I, Section 65-28, Subpart (e)(6) has been added and the original Subpart (e)(6) should now be Subpart (e)(7).

Section 3. It is the intent of the Mayor and Board of Aldermen and it is hereby ordained that this ordinance shall become and be made a part of the Code of Ordinances of the City of Jackson, Missouri, and that sections of this ordinance may be renumbered to accomplish such intention.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 5. That this ordinance shall take effect and be in force from and after its passage and approval.

Section 6. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

FIRST READING: _____.

SECOND READING: _____.

PASSED AND APPROVED this _____ day of _____, 2023, by a vote of _____ ayes, _____ nays, _____ abstentions and _____ absent.

(SEAL)

CITY OF JACKSON, MISSOURI

BY: _____
Mayor

ATTEST:

City Clerk