



HAMILTON
WEBER LLC

To: Mayor and Members of City Council

From: John A. Young

Cc: Ryan Thomas, City Administrator

Date: January 19, 2017

Re: Review of Hearing and Appeal Procedures in City Code

Please find enclosed herewith a chart identifying each hearing or appeal provided for in the City Code.

KEY:

PH	Identified as a Public Hearing in City Code
H	Identified as a Hearing in City Code
NH	City Code provides for an Appeal with no hearing
*	Inference of an appeal process under the Code of Administrative Procedure (150.030-100) although not specifically referred to in the City Code.
SS	Hearing required by State Statute
DP	Hearing required by Constitutional Due Process
CC	Hearing required by City Charter
	Hearing not required by Constitution, Statute or City Charter
R	Hearing not required but recommended for reasons such as preserving “exhaustion of administrative remedies” defense.

Please note that zoning regulations may be appealable to the Board of Adjustment by way of a variance request; however, for the sake of clarity and brevity we have omitted express references to this process within this chart unless it is in furtherance of an administrative process. Also, for similar reasons, I have omitted hearings only set forth in the City Charter, such as impeachment hearings and initiative and referendum hearings.

Item No.	Code Section	Type of Hearing*	Purpose of Hearing	Before What Body	Appeal	Further Administrative Appeals Authorized	Council's/City's Rights
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ADMINISTRATION:

1	105.105	H (R)	Complaint re: Campaign Finance	City Ethics Commission, which refers to Special Prosecutor	No	No	N/A
2	140.110	PH (CC)	Budget Hearing	City Council	No	No	N/A
3	150.030-.100	H (R)	Code of Administrative Procedure	Board of Administrative Review (Board of Adjustment)	No	No	Council or Mayor may remove any matter to the Council for review. No petition shall become final for purposes of judicial review of the action subject to review until the effective date of Council action on the petition, or upon expiration of 30 days after petition filed with the Council.

PUBLIC HEALTH, SAFETY AND WELFARE:

Public Nuisances:

4	215.180	H (SS)	Nuisance: Dangerous Building	City Administrator or designee	Yes, board of administrative review (see item 3: 150.030-100)*	No	N/A
5	215.300, 215.310	PH (DP)	Nuisance: Vehicle	City Administrator	Yes board of administrative review (see item 3: 150.030-100)	No (see item 3: 150.030-100)	N/A

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					150.030-100)*		
6	217.100	H (DP)	Noise Control: Appeal by Persons Aggrieved by Any Decision, Ruling, or Order	Appeal Board (est. pursuant to 612.070 St. Louis Revised Code of Ordinances 1974, as amended)	No	No	N/A
7	217.110	PH (R)	Noise Code Variance	Appeal Board (est. pursuant to 612.070 St. Louis Revised Code of Ordinances 1974, as amended)	No	No	N/A
8	217.110	PH (DP)	Noise Code Variance Revoked or Modified	Appeal Board (est. pursuant to 612.070 St. Louis Revised Code of Ordinances 1974, as amended)	Yes; board of administrative review (see item 3: 150.030-100)*	No	N/A
9	217.150	PH	Promulgation of Regulations re: sound/vibration level measurement	St. Louis County Director of the Dept. of Community Health and Medical Care and Director of Planning and Parks	No	No	N/A
Solid Waste:							
10	230.310	H (DP)	Suspension of License: Waste Transport	City Council	No	No	N/A

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11	230.320	H (see item 46: 605.210) (DP)	Revocation of Business License: Waste Transport	City Administrator (see item 46: 605.210)	Yes; board of administrative review (see item 3: 150.030-100)	Yes (see item 3: 150.030-100)	Council or Mayor may remove any matter to the Council for review. No petition shall become final for purposes of judicial review of the action subject to review until the effective date of Council action on the petition, or upon expiration of 30 days after petition filed with the Council (see item 3: 150.030-100).
ZONING AND LAND USE:							
Planning and Zoning Commission:							
12	400.050	PH (SS)	Removal of Planning and Zoning Commission Citizen Member	City Council	No	No	N/A
Board of Adjustment:							
13	400.100	PH (SS)	Removal of Board of Adjustment Member	City Council	No	No	N/A
14	400.120(a)	PH (SS)	Appeals on Alleged Errors Made by Administrative Officials	Board of Adjustment	No	No	N/A

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15	400.120(c)	PH (SS)	Zoning Variance: General	Board of Adjustment	No	No	N/A
Flood Plain Management:							
16	405.060	H (SS)	Floodplain Mgmt. Variance and Appeal	Board of Zoning Adjustment	No	No	N/A
17	405.080	PH (SS)	Amendment to Regulations re: Floodplain Management	City Council	No	No	N/A
NU District Regulations:							
18	415.090(I)(6)	PH (see item 20: 415.500) (R)	Appeal of Department of Planning Denial of Simplified Conditional Use Permit for Home Occupation in NU	Planning and Zoning Commission (see item 23: 415.500)	Yes; to City Council (see item 33: 415.530)	No	City Council has fifteen (15) days after receipt of Planning Commission's report granting application to exercise its power of review; if it does not, permit is deemed effective (see item 23: 415.500).

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C-8 District Regulations:

19	415.190	PH (SS)	Approval of Site Development Plan and C-8 Planned Commercial District	Planning Commission (see item 35: 415.560)	Yes; to City Council and Planning and Zoning Committee (see item 34: 415.530)	Yes; appeal to board of adjustment (see item 15: 400.120)	If the bill granting or denying the application is not introduced in the City Council within 90 days of receipt of report by Planning and Zoning Commission, it shall be deemed denied. Council may approve, deny, modify, or refer for further consideration (see item 35: 415.560).
20	415.190(L)(4)	NH	Appeal Decision by Planning Department in Reviewing Development Plan for C-8 District	Planning and Zoning Commission	Board of Adjustment	No	N/A

M-3 District Regulations:

21	415.210(K)	PH (SS)	Approval of Site Development Plan and M-3 District	Planning and Zoning Commission (see item 35: 415.560)	Yes; to Planning and Zoning Committee and City Council (see item: 34: 415.530).	No	If the bill granting or denying the application is not introduced in the City Council within 90 days of receipt of report by Planning and Zoning Commission, it shall be deemed denied. Council may approve, deny, modify, or refer for further consideration (see item 35: 415.560).
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22	415.210(L)(4)	NH	Appeal/Denial of Amendment of Site Development Plan by Department of Planning: M-3 Planned Industrial District	Planning Commission	Yes; to Board of Adjustment	No	If the bill granting or denying the application is not introduced in the City Council within 90 days of receipt of report by Planning and Zoning Commission, it shall be deemed denied. Council may approve, deny, modify, or refer for further consideration (see item 35: 415.560).
Conditional Use Permit:							
23	415.500(H)	PH (R)	Conditional Use Permit (General Procedure)	Planning Commission (see item 35: 415.560)	Yes; to City Council and Planning and Zoning Committee (see item 34: 415.530)	No	City Council has fifteen (15) days after receipt of Planning Commission's report granting application to exercise its power of review; if it does not, permit is deemed effective.
24	415.500(K)	PH	Conditional Use Permit: Amendment of Conditions of Conditional Use Permit (only if amendment is not consistent with the original proposal)	Planning Commission (see item 35: 415.560)	Yes; to City Council and Planning and Zoning Committee (see item 34: 415.530)	No	City Council has fifteen (15) days after receipt of Planning Commission's report granting application to exercise its power of review; if it does not, permit is deemed effective.

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25	415.500(L)	NH	Appeal of Decision of Planning Department re: Development Plans for CUP	Board of Adjustment	No	No	N/A
PRD							
26	415.510(J)	PH (SS)	PRD: Application and Preliminary Development Plan	Planning and Zoning Commission (see item 34: 415.560)	Yes; to City Council and Planning and Zoning Committee by either petitioner or specified nearby property owners (see item 34: 415.530)	No	If the bill granting or denying the application is not introduced in the City Council within 90 days of receipt of report by Planning and Zoning Commission, it shall be deemed denied. Council may approve, deny, modify, or refer for further consideration (see item 35: 415.560).
27	415.510(O)(1)	PH (SS)	PRD: Amendment of Conditions of PRD (only if Planning and Zoning Commission Submits to City Council Resolution for new Public Hearing)	Planning and Zoning Commission (see item 35: 415.560)	Yes; City Council and Planning and Zoning Committee and City Council (see item 34: 415.530).	No	If the bill granting or denying the application is not introduced in the City Council within 90 days of receipt of report by Planning and Zoning Commission, it shall be deemed denied. Council may approve, deny, modify, or refer for further consideration (see item 35: 415.560).

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28	415.510(O)(2)	PH (SS)	PRD: Amendment of Site Development Plans (only if Planning and Zoning Commission Submits to City Council Resolution for new Public Hearing)	Planning and Zoning Commission (see item 35: 415.560)	Yes; City Council and Planning and Zoning Committee and City Council (see item 34: 415.530).	No	If the bill granting or denying the application is not introduced in the City Council within 90 days of receipt of report by Planning and Zoning Commission, it shall be deemed denied. Council may approve, deny, modify, or refer for further consideration (see item 35: 415.560).
29	415.510(P)	NH	Appeal of Decision of Department re: Review of Development Plan for PRD	Planning Commission	Yes; board of adjustment	No	N/A
30	415.510(Q)	PH (SS)	PRD: Termination of PRD	Planning Commission (see item 35: 415.560)	No	No	If the bill granting or denying the application is not introduced in the City Council within 90 days of receipt of report by Planning and Zoning Commission, it shall be deemed denied. Council may approve, deny, modify, or refer for further consideration (see item 35: 415.560).

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Landmark and Preservation Area:							
31	415.520(J)	PH (SS)	Application for Landmark and Preservation Area (“LPA”)	Planning Commission	Yes; to City Council and Planning and Zoning Committee (see item 34: 415.530)	No	If the bill granting or denying the application is not introduced in the City Council within 90 days of receipt of report by Planning and Zoning Commission, it shall be deemed denied. Council may approve, deny, modify, or refer for further consideration (see item 35: 415.560).
32	415.520(L)(1)	PH (SS)	Amendment of Conditions for LPA (only if Planning and Zoning Commission submits to Council a Resolution for a New Public Hearing)	Planning Commission	Yes; to City Council and Planning and Zoning Committee (see item 34: 415.530)	No	If the bill granting or denying the application is not introduced in the City Council within 90 days of receipt of report by Planning and Zoning Commission, it shall be deemed denied. Council may approve, deny, modify, or refer for further consideration (see item 35: 415.560).
33	415.520(L)(2)	PH (SS)	Amendment of Site Development Plan for LPA (only if Planning and Zoning Commission submits to Council a Resolution for a New Public Hearing)	Planning Commission	Yes; to City Council and Planning and Zoning Committee (see item 34: 415.530)	No	If the bill granting or denying the application is not introduced in the City Council within 90 days of receipt of report by Planning and Zoning Commission, it shall be deemed denied. Council may approve, deny, modify, or refer for further consideration (see item 35: 415.560).

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Appeal and Protest Procedures:

34	415.530	PH	Appeal or Protest of Planning and Zoning Procedure	Planning and Zoning Committee or City Council	No	No	Following the hearing by City Council or Committee on Planning and Zoning, City Council may affirm, reverse, or modify in whole or in part any determination of Commission.
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Zoning Amendment Procedures – Generally:

35	415.560(C)	PH (SS)	Amendment of Zoning Classification (General Procedures)	Planning Commission	Yes; City Council and Planning and Zoning Committee (see item 34: 415.530)	No	If the bill granting or denying the application is not introduced in the City Council within 90 days of receipt of report by Planning and Zoning Commission, it shall be deemed denied. Council may approve, deny, modify, or refer for further consideration.
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Adult-Oriented Businesses:

36	415.590	PH (DP)	Appeal from License Denial/ Suspension/ Revocation: Adult-Oriented Business	City Council	Yes; board of administrative review (see item 3: 150.030-100)*	No	N/A
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Subdivisions:

37	420.140	PH (SS)	Vacation of Subdivision (only if opposition is made)	City Council	No	No	N/A
38	420.300	PH (R)	Petition for Exception to Subdivision and Development Sewer Regulations	Planning Commission	No	No	N/A

Communication Towers:

39	430.070	PH (see item 20: 415.500) (R)	Conditional Use Permit: Certain Communications Antennae and Support Structures	Planning and Zoning Commission	Yes; to City Council (see item 34: 415.530)	No	City Council has fifteen (15) days after receipt of Planning Commission's report granting application to exercise its power of review; if it does not, permit is deemed effective (see item 23: 415.500).
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Historic Properties:

40	440.040	PH (R)	Nomination: Historic Properties or Elements onto Historic Registry	Historic Preservation Commission	Yes; to City Council after rec. sent	Yes; designation may be amended or rescinded upon petition to Historic Preservation Commission	N/A
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BUILDING AND CONSTRUCTION:

41	510.040	PH	Promulgation of Regulations re: Sewage and Waste Disposal	St. Louis County Health Commissioner	No	No	Rules and regulations will thereafter be presented to the City Council for its approval
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LICENSING:

Liquor Licenses:

42	600.050(C)	H	Application for New License: Alcoholic Beverages	City Council	Yes; board of administrative review (see item 3: 150.030-100).	No	Council or Mayor may remove any matter to the Council for review. No petition shall become final for purposes of judicial review of the action subject to review until the effective date of Council action on the petition, or upon expiration of 30 days after petition filed with the Council (see item 3: 150.030-100).
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43	600.050(E)	H	Application for License Renewal: Alcoholic Beverages	City Council (if written protest to renewal)	Yes; board of administrative review (see item 3: 150.030-100).	No	Council or Mayor may remove any matter to the Council for review. No petition shall become final for purposes of judicial review of the action subject to review until the effective date of Council action on the petition, or upon expiration of 30 days after petition filed with the Council (see item 3: 150.030-100).
44	600.080	H (DP)	Suspension/Revocation of Liquor License	City Council	Yes; board of administrative review (see item 3: 150.030-100).	No	Council or Mayor may remove any matter to the Council for review. No petition shall become final for purposes of judicial review of the action subject to review until the effective date of Council action on the petition, or upon expiration of 30 days after petition filed with the Council (see item 3: 150.030-100).
Business Licenses:							
45	605.070	H	Application for License: Business (General)	City Council	No	Yes; board of administrative review (see item 3: 150.030-100)*	N/A

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46	605.210	H (DP)	Revocation or Suspension of License: Any Type	City Administrator	Yes; to Finance and Administration Committee of the City Council	Yes; board of administrative review (see item 3: 150.030-100)*	Council or Mayor may remove any matter to the Council for review. No petition shall become final for purposes of judicial review of the action subject to review until the effective date of Council action on the petition, or upon expiration of 30 days after petition filed with the Council (see item 3: 150.030-100).
47	620.090	H (DP)	Revocation or Suspension of License: Tow Truck	Director of Finance and Administration of the City	Yes; board of administrative review (see item 3: 150.030-100)*	No	Council or Mayor may remove any matter to the Council for review. No petition shall become final for purposes of judicial review of the action subject to review until the effective date of Council action on the petition, or upon expiration of 30 days after petition filed with the Council (see item 3: 150.030-100).
48	625.260	H	Appeal of Denial of License: Home Day Care	Director of Department of Planning	Yes to the Board of Adjustment (626.290)	No	N/A

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49	625.290, 625.300	PH (R)	Revocation, Denial or Suspension of License: Home Day Care (appeal alleged errors by Director)	Day Care Home Commission (Board of Adjustment)	Yes; board of administrative review (see item 3: 150.030-100)*	No	Council or Mayor may remove any matter to the Council for review. No petition shall become final for purposes of judicial review of the action subject to review until the effective date of Council action on the petition, or upon expiration of 30 days after petition filed with the Council (see item 3: 150.030-100).
50	630.050	H (DP)	Appeal of Denial of Application for New or Renewed License: Alarm Systems	Director of Licenses of St. Louis County and his/her duly authorized agents or the City Administrator	Yes; board of administrative review (see item 3: 150.030-100)*	No	Council or Mayor may remove any matter to the Council for review. No petition shall become final for purposes of judicial review of the action subject to review until the effective date of Council action on the petition, or upon expiration of 30 days after petition filed with the Council (see item 3: 150.030-100).
51	630.130	H (DP)	Revocation or Suspension of License: Alarm Systems	Director of Licenses of St. Louis County	Yes; board of administrative review (see item 3: 150.030-100)*	No	Council or Mayor may remove any matter to the Council for review. No petition shall become final for purposes of judicial review of the action subject to review until the effective date of Council action on the petition, or upon expiration of 30 days after petition filed with the Council (see item 3: 150.030-100).

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Utility Installation Permits:							
52	635.020, 635.120	H	Accessory Utility Facilities/Utility Installation Permit	Planning and Zoning Commission (see item 23: 415.500)	Yes; City Council and Planning and Zoning Committee (see item 34: 415.530)	No	City Council has power of review, the time limit for which is limited to a single meeting date unless extended by vote.