City of Canton
Rezoning Application
Last updated 08-2025

Application for Zoning Amendment
Section 405.290 City of Canton Municipal Code

Filing Fee $ 35.00
Publication Fee $_____ (determined at application filing)
Date Paid_____

Applicant - Name _____ Property Owner Name: _____
(if different than owner)
Address _____ Address: _____

_____ _____

Phone _____ Phone: _____

Contact Person: _____

Contact Phone: _____

Contact E-Mail: _____

Address of Property _____

Lot Size

Current Zoning _____

Current Use _____

Proposed Zoning _____

Proposed Use _____

Please attach a letter of intent explaining what is proposed.

Members of the Planning Commisson:

Terry Sweet - Chairperson
Matthew Roberts
Carol Ragar
Charles Rudd
James Herren - Secretary

City of Canton, MO
Thursday, August 21, 2025

Chapter 405. Zoning Code

Article XI. Amendments

Section 405.290. Amendments.

[CC 1985 §42.760; Ord. No. 522-C §2, 6-17-2002]

A. The Board of Aldermen may, from time to time, on its own motion or on petition, amend, supplement, change, modify or repeal by ordinance the boundaries of districts or regulations or restriction established. Any proposed amendment, supplement, change, modification or repeal shall first be submitted to the Planning Commission for its recommendations and report. If the Planning Commission makes no report within sixty (60) days, it shall be considered to have made a report approving the proposed amendment, supplement, modification or change. Upon the filing of the recommendations and report by the Planning Commission with respect to any proposed amendment, supplement, change, modification or repeal, the Board of Aldermen shall proceed to hold a public hearing in relation thereto, giving at least fifteen (15) days' notice of the time and place of such hearing, which notice shall first be published in a newspaper having a general circulation in the City of Canton.

B. In the case of an adverse report by the Planning Commission, or if a protest against such proposed amendment, supplement, change, modification or repeal was presented in writing to the City Clerk duly signed and acknowledged by the owners of thirty percent (30%) or more, either of the area of the land (exclusive of streets, places and alleys) included within such proposed amendment, supplement, change, modification or repeal, or within an area determined by lines drawn parallel to and one hundred eighty-five (185) feet distant from the boundaries of the district proposed to be changed, such amendment, supplement, change, modification or repeal shall not become effective except by the favorable vote of two-thirds (2/3) of all the members of the Board of Aldermen. The increased vote requirement shall apply in all cases of special use exception and community unit plan cases.

C. The party or parties proposing or recommending a change in the district regulations or district boundaries shall pay a fee of thirty-five dollars ($35.00) to the City Clerk at the time the application is filed and an additional fee of one hundred twenty dollars ($120.00) shall be paid to the City Clerk prior to the time publication of "Notice of Public Hearing" is ordered by the Board of Aldermen. All fees received hereunder shall forthwith be paid over to the credit of the General Revenue Fund of the City. Under no condition shall said sum or any part thereof be refunded for failure of said change to be adopted by the Board of Aldermen.

APPLICATION FOR ZONING AMENDMENT HANDOUT

Pursuant to City of Canton Municipal Code Section 405.290

The Application for Zoning Amendment Handout is for variance applications. The zoning amendment hearing process is quasi-judicial. A variance from the zoning ordinance may be granted only upon a showing "on the record" of "practical difficulties or unnecessary hardship". The Planning Commission will hear and consider evidence presented on your application at a public hearing, and will then determine whether "the record" sufficiently supports a finding of hardship that would warrant an amendment. The burden of proof lies with the applicant to present sufficient evidence on the record of practical difficulties or unnecessary hardship. The Commission, using their discretion, will consciously endeavor to balance between the specific rules of the zoning ordinance and the actual method of conduct of business in the community.

Certain conditions must be met:

1. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zoning or vicinity, and result form lot size or shape, legally existing prior to the date of the Ordinance, topography, or other circumstances over which the applicant has no control
2. The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity possessed.
3. The variance would not be materially detrimental to the purpose of the Ordinance, or to property in the zone or vicinity in which the property is located, or otherwise conflict with the objectives of any City plan or policy.
4. The variance requested is the minimum variance which would alleviate the hardship.

Some Help in Responding to the Four Zoning Amendment Standards

Asking for a zoning amendment is essentially like asking for permission to break the law—so you have to present valid, factual information to convince the Commission that you have good reason to break the law. An example would be like getting stopped for speeding. A good reason to speed would be that you have a woman about to give birth in the back seat. A poor reason would be that you just got a new car and wanted to test it out. Zoning is no different. The Planning Commission is going to be looking for good reasons to give relief from a zoning standard—not just that the applicant "wants it" or thinks it would "look better".

It is important to present factual information and evidence to support your belief that your property is significantly different (or unique) from those in the surrounding area. The suggestions below are by no means the only valid justification for a zoning amendment on your property in your response to the four standards. Your Application for a Zoning Amendment will be considered on its own unique merits.

The strict enforcement of the provisions of the Ordinance would cause a practical difficulty and deprive the owner of rights enjoyed by all other property owners within the same zoning district.

You need to explain what is hindering you from complying with the zoning law. Is there a connection between what you allege is the practical difficulty and why your neighbors or others in the same zoning district can do what you cannot. Examples would be

A. This property is unusual and unique because _____.

B. The property owner cannot use the property in a manner to gain a reasonable use in comparison with the adjacent properties because_____.
C. The hardship in developing this property is to the extent that no reasonable use of the property is possible or at least that adverse economic impact is substantial.

In determining if a "practical difficulty" exists, the Planning Commission will review the physical conditions of the land as well as other special circumstances such as lot size, date the lot was created (is it conforming or nonconforming). Examples are listed below and one or more or something similar may apply to your property.

A. Physical features peculiar to this lot or tract not applicable to the adjacent lots:
   1. Steep slopes impact ____% of lot
   2. Water courses, wetlands, floodplain impact ____% of lot
B. Platting features peculiar to this lot or tract not applicable to the adjacent lots:
   1. The lot is oddly shaped
   2. The lot has more than two street frontages or no street frontage
   3. The lot is impacted by many or wide easements for utilities, driveways, drainage
C. Zoning features peculiar to this lot or tract not applicable to the adjacent lots:
   1. The lot is non-conforming in area, width, or depth
   2. The structure/building was constructed under different zoning rules.
D. The special conditions and circumstances are more than an inconvenience or financial burden because:
   1. Removing the encroachment would severely damage the structure
   2. Removing the encroachment would render the structure unusable
   3. The physical features of the lot limit construction locations and options
   4. The access to the lot cannot be physically relocated
E. I (We) considered all the possible conforming alternatives and I (we) are not able to: