

**SECTION 40
SAVING CLAUSE**

All rights or remedies of the City of Benbrook, Texas, are expressly saved as to any and all violations of Ordinance No. 495, Ordinance No. 808, or of any zoning ordinance or amendments thereto of said City of Benbrook, Texas, that have accrued at the time of the effective date of this ordinance; and as to such accrued violations, the Court shall have all the powers that existed prior to the effective date of this ordinance; and all existing violations of previous zoning or building ordinances which would otherwise become non-conforming uses under this ordinance, shall not become legal non-conforming uses under this ordinance but shall be considered as violations of this ordinance in the same manner that they were violations of prior zoning ordinances of the City of Benbrook, Texas.

**SECTION 41
REAPPLICATION**

LIMITATION OF REAPPLICATION: When the City Council has denied a proposal with prejudice, or when the applicant has withdrawn his proposal after notice of the Planning and Zoning Commission meeting thereon has been made, no reapplication requesting the same zoning classification shall be accepted by the City or scheduled for hearing by the Planning and Zoning Commission within a period of twelve (12) months of the Council's denial with prejudice or the applicant's withdrawal. Provided, however, on receipt of a request stating how conditions have changed substantially within the community since the prior denial with prejudice or withdrawal, the Planning and Zoning Commission may waive the mandatory delay period and authorize the acceptance of a new application.