



FREQUENTLY ASKED QUESTIONS ON ZONING

What is zoning?

Zoning is the power granted by the State of Texas to Benbrook, and other cities, to establish and amend boundaries of zoning districts in, on, and around privately owned land within the City. Within specific districts, the City may determine and regulate the use of the land; the height, bulk and setbacks of buildings; and the manner in which structures and buildings may be arranged on specific property.

How can someone tell me what I can and cannot do with my land?

Zoning has been upheld by both State and Federal Courts since 1926 as a valid municipal function, so long as it is not arbitrary or denies the landowner all reasonable use of their land. Zoning regulations are established to protect the public health, safety, and welfare of the community by lessening congestion, promoting fire safety, and maintaining property values by preventing blighting influences. These regulations are designed to prevent your neighbors from adversely affecting your property.

What is allowed within specific zoning districts?

Each district allows different uses. A copy of the specific regulations for each district can be obtained from the Planning Department or online in the City of Benbrook Zoning Regulations. To determine the zoning of a specific property, go to the Interactive Map on the City Homepage.

How are zoning district boundaries changed?

A property owner or an agent for an owner may apply for a change in the zoning district for a piece of property. The City may also initiate zoning changes when it determines that a change is in the public interest.

A notice of public hearing is published in the City's official newspaper not less than 15 days prior to the date of the public hearing. The notice includes the time, date, and place of the public hearing and includes a description of the property to be considered and both the existing and proposed zoning classification(s). A similar notice is mailed at least ten days prior to the public hearing to the owners of all property on the tax rolls within two-hundred feet of the property to be considered for rezoning.

At least 72 hours prior to the Commission meeting, an agenda is posted on the bulletin board at the City Hall, listing all items to be discussed or considered.

The Planning and Zoning Commission considers the rezoning applications on the agenda. When a particular rezoning item comes up on the agenda, the Chairman allows the applicant to make a presentation to the Commission regarding the proposed change. The Chairman then asks the City Planning Staff for a report and recommendation regarding zoning consideration on the floor.

The Chairman will open the public hearing and recognize any person in the audience who wishes to speak in favor of or in opposition to the application. Anyone wishing to address the Commission should raise their hand to be recognized by the Chairman. After being recognized, the person should move to the podium, state their name and address for the record, and present their comments to the Commission.

The purpose of the public hearing is to present facts and evidence to the Commission that they may not be aware of otherwise. Tell the Commission exactly what you like or dislike about the proposal, what you would do differently, and be brief, factual and to the point. If you feel the proposal would adversely affect the health, safety and welfare of the community and your property, present as many facts as possible. Simply stating your opinion that your property values will be diminished is less effective than showing exactly why your property will be harmed.

After all interested persons have had an opportunity to address the Commission; the Chair may ask the applicant for any rebuttal. The Chair will then close the public hearing. The Commission will then discuss the request and may ask additional questions of the applicant or the City Staff for clarification. No additional comments will be received from the audience once the public hearing is closed. After debate and discussion is completed, the Commission will consider a motion for a recommendation to the City Council. A motion to recommend City Council approval of rezoning requires five favorable votes by the Commission. The Commission's action is advisory only and final action is taken by the City Council.

The rezoning application will be scheduled for City Council consideration the following month. Notices and posting of the agenda for the City Council public hearing follows the same schedule as for the Commission's public hearing. City Council will hold a second public hearing on the proposed zoning. After hearing all the evidence, including the Commission's recommendation, the City Council may or may not pass an ordinance changing the zoning district boundary.

Some factors considered in zoning changes:

1. Is there a public need for additional land area to be rezoned as requested?
2. Are there alternative areas available for the zoning requested which would eliminate the need for rezoning?
3. If a public need exists, should rezoning be done in the area requested or would the public interest of the overall City be better served if rezoning was done in other areas?
4. Would granting the rezoning request conform to the present Comprehensive Plan of Benbrook or should the Comprehensive Plan be revised?
5. Would granting the request adversely affect the property values of adjacent landowners to an unreasonable degree?
6. Would the request impose undue hardships such as noise, traffic, odors, or other nuisances on adjacent landowners?
7. If the request were granted, would necessary utilities be available? Or reasonably extended?
8. If granted, what additional public services would be required?
9. Would the requested rezoning have an adverse effect upon the City's capital and operating budget?
10. Was there an error or oversight in preparing the original zoning map which indicates the zoning being requested should have been included when the map was prepared?
11. Is the change in conformance with the stated purpose of the zoning ordinance, that is "to lessen congestion on streets, to secure safety from fire, panic and other dangers; to promote health and the general welfare; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements; to conserve the value of property and encourage the most appropriate use of land throughout the City, all in accordance with a comprehensive plan"?

What is "PD" or Planned Development zoning?

When a piece of property has unique or unusual constraints to development which would otherwise limit its efficient development, a "PD" or Planned Development suffix is sometimes added to the normal zoning district designation. This allows some discretionary flexibility by the Planning and Zoning Commission to the normal lot size and setback requirements. However, the overall density cannot exceed that which would normally be allowed in the District without "PD". The "PD" designation also requires site plan approval by the Commission of each development. Any Commission approval is after a public hearing and the Commission may impose additional design or buffer requirements to mitigate adverse effects of the development.