

**ARTICLE II.
ADMINISTRATION**

SECTION A. SUBDIVISION PLAT REQUIRED.

1. Every owner of any tract of land who may, subsequent to April 2, 1962, divide said tract into two (2) or more lots or tracts, or create from said tract one (1) or more lots of record, for the purpose of transfer of ownership, dedication of streets, alleys, easements, parks or other areas dedicated to public use, or for use for building development, shall cause a plat to be made in accordance with this ordinance.

Furthermore, a subdivision plat shall be required:

- a. For the expansion in excess of five hundred (500) square feet of any existing building. For purposes of this subsection, the 500 square feet calculation shall be a cumulative total of all expansions constructed after January 1, 1993; or
 - b. For the issuance of a construction or placement permit for any new building in excess of 500 square feet constructed on a tract or parcel currently occupied by a building or buildings; or
 - c. For the construction or placement of any new building, regardless of square footage, on a tract or parcel not currently occupied by a building or buildings;
 - d. To alter any aspect of a recorded plat, meeting all applicable requirements of Article VII of this ordinance;
 - e. In accordance with all applicable state laws;
 - f. Where separate, contiguous tracts are assimilated into one or more tracts under common ownership. (*Ord. No. 2088, 07/18/95*)
2. A subdivision plat shall not be required:
 - a. When a tract of land is being used for a temporary use, as herein defined;
 - b. For the division of land into parts greater than five (5) acres or more, where each part has access and no public improvement is being dedicated. The term public improvement shall mean any right-of-way, easement, or physical improvement of any kind intended for public use. (*Ord. No. 1948, 10/19/93*)
 - c. Upon a parcel or tract of land for which a deed was duly recorded with the appropriate

county clerk prior to May 4, 1953, provided that such parcel or tract of land has not thereafter been subdivided into two (2) or more parcels or tracts of land. However, a subdivision plat shall be required where development on the parcel or tract of land occurs in accordance with Section A(1)(a) through A(1)(d) of this Article, and where such development is not related to any farm, ranch, or other agricultural use existing on the effective date of this ordinance. (*Ord. No. 2088, 07/18/95*)

3. No subdivision plat shall be submitted for approval as a means to circumvent or otherwise avoid any requirement of this ordinance or any other ordinance of the city of Carrollton, as determined by the Planning and Zoning Commission.
4. An easement granting property rights to the city that has been established by a separate instrument shall, except as otherwise provided in this section, require approval by the City Council in order to be altered or abandoned.

An easement granting property rights to the city that has been established by a separate instrument may be approved by the City Manager or designee in order to be altered or abandoned only in the following instances:

- 1) when substantially similar property rights are provided simultaneously with such alteration or abandonment; or
- 2) when the city's property rights in the easement are not significantly modified, reduced, or limited in a manner to deny the city of the intent and purpose of the property rights granted by the original easement.

An easement dedicated by plat may be altered or abandoned by a replat, prepared in accordance with Article VII of this ordinance, or upon approval by the City Council. (*Ord. No. 4004, 03/02/21; Effective 04/01/21*)

SECTION B. DISCREPANCIES.

1. Where a discrepancy exists between the prescriptions established in this ordinance and the requirements of the construction codes, fire code, Comprehensive Zoning Ordinance or any other applicable code or ordinance of the city of Carrollton, or any state law, then the more restrictive requirements shall apply.

SECTION C. EXISTING LOTS AND PARCELS.

1. The minimum required lot area, width and depth shall be in accordance with the requirements established in the Comprehensive Zoning Ordinance for the applicable district, except that a lot having less area, width or depth, than required by the Comprehensive Zoning Ordinance which was a lot of record on July 18, 1988, may be used provided that all other requirements of this ordinance and the applicable zoning district are met.

2. A parcel or tract of land having less area, width or depth than required by the Comprehensive Zoning Ordinance, the deed for which was duly recorded in the office of the appropriate county clerk prior to January 1, 1986, but subsequent to May 4, 1953, may be used provided that such parcel or tract shall first be platted in accordance with the procedures set forth herein, and that all other requirements of the Comprehensive Zoning Ordinance and the applicable zoning district are met.
3. No lot of record existing on the effective date of this ordinance shall be reduced in size below the minimum requirements set forth by the Comprehensive Zoning Ordinance, except where the conditions for approval of an amending plat, as prescribed in Article VIII of this ordinance, apply or where the acquisition of right-of-way, by eminent domain, dedication, or purchase by a public entity creates the non-conforming lot size, width or depth.
(Ord. No. 3271, 01/01/09)
4. No block or lot of record existing on the effective date of this ordinance or amendments hereto, shall be modified in size without approval of a replat or amending plat as set forth herein, except where a public utility or political subdivision acquires a portion of a block or lot by purchase or dedication.
5. A parcel or tract of land that has been created out of a recorded block or lot without approval of a replat, and where such block or lot was duly recorded in the office of the appropriate county clerk prior to the effective date of this ordinance, may be replatted in accordance with the procedures set forth herein without including in such replat the entire block or lot of which the parcel or tract of land was originally a part. (Reference Figure 1.1, Appendix A)
6. No subdivision plat or replat shall be approved if such approval results in the creation of a residual parcel or tract of land that does not meet the minimum requirements set forth in the Comprehensive Zoning Ordinance or this ordinance, or where the effect of such approval on an adjacent parcel or tract of land is such that it does not meet the minimum requirements set forth in the Comprehensive Zoning Ordinance or this ordinance.

SECTION D. EXISTING PLANNED DEVELOPMENTS.

1. Property located within a Planned Development District approved prior to the effective date of this ordinance may be platted in accordance with the regulations of such Planned Development District.

SECTION E. SPECIAL PROVISIONS.

1. The City of Carrollton has the authority to withhold all improvements of any nature, including but not limited to the maintenance of streets and the furnishing of sewage and water service,

to all additions for which a subdivision plat has not been approved by the Planning and Zoning Commission and filed with the appropriate county clerk.

2. The City of Carrollton has the authority to withhold the issuance of a building permit for the erection of any building on a newly subdivided parcel of land until all the requirements of these subdivision regulations have been complied with, including installation of, and acceptance by, the city of all public improvements and facilities for the area designated.
3. No building or structure shall be permitted to cross a platted lot line. *(Ord. No. 3301, 06/02/09)*
4. Where a lot, tract, or parcel is occupied by a lawful structure, and where the acquisition of right-of-way, by eminent domain, dedication, or purchase, by a city, county, state, or federal agency creates noncompliance of the structure regarding any requirement of this ordinance, such structure shall be deemed a lawful structure. Such designation shall apply only to noncompliance that results directly from the acquisition of right-of-way. In the event that such structure is partially or totally destroyed by fire or other causes, the structure may be rebuilt upon approval of a building permit by the Building Official.

Any new construction on the lot, tract, or parcel, including expansion of any existing structure, shall comply with all applicable zoning standards, and building setbacks of the expansion or new construction shall be measured relative to the new right-of-way line. *(Ord. No. 1978, 04/19/94)*