ARTICLE XXX.
PERMITS AND CERTIFICATES

(Ord. No. 2835; 07/01/03)

SECTION A. CERTIFICATE OF OCCUPANCY

1. All land, buildings, structures or appurtenances thereto which are located within the city of Carrollton, and which are hereafter used, occupied, erected, altered or converted shall be used, occupied, erected, altered or converted in compliance with the provisions of this ordinance; the zoning regulations of the district in which such land, structure, use or occupancy is located; the building codes, and all other applicable codes and ordinances of the city of Carrollton.

2. Except for any single-family, duplex or townhouse dwelling, no use shall hereafter be established, and no building hereafter erected or structurally altered, nor any tenant or lease space, shall be used, occupied or changed in use, tenant, or occupant until a Certificate of Occupancy shall have been issued by the City Manager or Designee stating that the use, building or proposed use of a building or premises complies with the building codes and the provisions of this ordinance.

3. A record of all Certificates of Occupancy shall be kept on file in the office of the City Manager or Designee, copies of which shall be furnished to any person upon request.

4. No Certificate of Occupancy for any building shall be issued before application has been made, and a fee paid in an amount established by the City Council, for a Certificate of Occupancy.

5. The City Manager or Designee may, in writing, suspend or revoke a Certificate of Occupancy issued under the provisions of this ordinance whenever the Certificate is issued in error, or on the basis of incorrect information supplied, or when it is determined that the building, structure or use is in violation of any provision of this ordinance or the provisions of any other ordinance of the city of Carrollton.

SECTION B. CREATION OF BUILDING SITE.

1. No permit for construction shall be issued, unless the construction is located upon a lot of record for the following:

   a. The expansion in excess of five hundred (500) square feet of any existing building. For purposes of this subsection, the 500 square foot calculation shall be a cumulative total of all expansions constructed after January 1, 1993, or;

   b. The issuance of a construction of 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. 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. ***(Ord. No. 2099, 09/05/95)***

SECTION C. EXISTING LOTS AND PARCELS.

1. The minimum required lot area, width and depth shall be in accordance with the requirements established herein for the applicable district, except that a lot having less area, width or depth than herein required which was a lot of record on the effective date of this ordinance or amendment hereto, may be used provided that all other requirements of this ordinance and the applicable district are met.

2. A parcel or tract of land having less area, width or depth than herein required, 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 in the Subdivision Ordinance, and that all other requirements of this ordinance and the applicable district are met. ***(Ord. No. 1865, 12/15/92)***

3. No lot of record existing on the effective date of this ordinance or amendment hereto shall be reduced in size below the minimum requirements set forth herein, except where the conditions for approval of an amending plat, as prescribed in Article VIII of the Subdivision Ordinance, apply. ***(Ord. No. 1865, 12/15/92)***

SECTION D. EXISTING SINGLE-FAMILY AND DUPLEX STRUCTURES.

1. A single-family or duplex structure lawfully existing on the effective date of this ordinance may be expanded, enlarged or rebuilt upon approval of a building permit by the City Manager or Designee. All setbacks of any expansion, enlargement or reconstruction shall be permitted to be established consistent with all setbacks of the existing structure prior to such expansion, enlargement or reconstruction.

2. In the event that any single-family or duplex structure, lawfully existing on the effective date of this ordinance, has no exterior brick or stone content which can be viewed from the public street upon which such structure fronts, or sides if located on a corner lot, any expansion, enlargement or reconstruction of such structure shall be exempted from the required exterior brick or stone content of the district in which such structure is located.

   However, where such structure has exterior brick or stone, the facade of the area of expansion, enlargement or reconstruction which can be viewed from the public street upon which such structure fronts, or sides if located on a corner lot, shall have a brick or stone content equal to or greater than the brick or stone content of the facade of the structure which can be viewed from such public street(s) prior to the expansion, enlargement or reconstruction. This provision shall also apply to any detached garage constructed subsequent to the effective date of this ordinance.

SECTION E. ADMINISTRATION AND ENFORCEMENT.

The provisions of this ordinance shall be administered and enforced by the City Manager or Designee. All applications for building permits shall be accompanied by such information as may be required by the City Manager or Designee to provide for the administration and enforcement of this ordinance. A record of such applications shall be kept in the office of the City Manager or Designee.

In any planned development district, where there is an absence of specific development standards, the City Manager or Designee shall interpret and determine which standards shall apply. Such interpretation and determination shall take into account the permitted uses within the planned development district or portion thereof subject to interpretation and apply the standards which are contained in the zoning district that most appropriately accommodates such uses. Unless the planned development district specifically provides otherwise, the standards of the current comprehensive zoning ordinance shall apply. Any appeal of the City Manager or Designee's interpretation and determination shall be submitted to the Board of Adjustment for consideration in accordance with the provisions of Article XXXII of this ordinance. ***(Ord. No. 1557, 07/11/89)***

SECTION F. WITHHOLDING OF BUILDING PERMITS.

No building permit shall be issued for any new construction, regardless of square footage, or the expansion of any existing building or structure of whatsoever nature, on any lot or parcel upon which a change of zoning is being deliberated by the city of Carrollton. Deliberation of a zoning change shall be that period of time between which an application for such change has been received by the Urban Development Department and that point at which an amending ordinance has been ratified by the City Council, or the rezoning request has been formally withdrawn.

The provisions of this Section shall apply to the consideration of any zoning change request, including changes initiated by the city of Carrollton. It is not the intent of this section to prohibit the remodeling, repair, or maintenance of any existing building on a lot or parcel upon which a change of zoning is being deliberated, during the period of such deliberation. ***(Ord. No. 1705, 05/07/91) (Ord. No. 1844, 11/03/92)***

SECTION G. AIRPORT HAZARDS.

All of the land within the boundaries of the city of Carrollton, and within the areas required for aircraft approach or maneuvering acts in the use of Addison Airport, is hereby divided into air approach zones, airport turning zones, and airport transition zones, the boundaries of which are shown on the Revised Carrollton Airport Zoning Map, dated April, 1979, attached hereto and made a part thereof.

1. HEIGHT LIMITATIONS

   Except as otherwise provided in this section, no structure or building shall be erected, altered, or any tree allowed to grow, or be maintained in any airport approach zone, airport turning zone, or airport transition zone to a height in excess of the limit herein established for such zone, and as shown on the Carrollton Airport Zoning Map, such height limitations to be as shown on said map for the areas indicated thereon.

2. USE RESTRICTION

No land within any airport approach zone, airport turning zone, or airport transition zone shall be used for, and no building or structure shall be erected, or any tree planted in such a manner as to create an airport hazard be reason of the height of the structure or tree or cause interference with radio communication or transmission of electric signals in landing aids between the airport and aircraft, impair the visibility of the airport or the light thereof, or otherwise endanger the landing, take-off, or maneuvering of aircraft; provided, however, this section shall not prohibit structures or buildings which are not more than twenty (20) feet in height.

3. NONCONFORMING STRUCTURES AND USES

Any building, structure, or tree, or any use of land, building, or structure within any airport approach zone, airport turning zone, or airport transition zone that, by reason of its height or position, created an airport hazard prior to May 17, 1971, interferes with the radio communication on the airport, impairs visibility of the field or otherwise endangers the landing, take-off, or maneuvering of aircraft approaching or leaving the airport shall be designated as a nonconforming structure and/or use.

Nonconforming uses may be continued in airport approach zones, turning zones, and transition zones for definite periods of time, subject to such rules and regulations as may be required by the Board of Adjustment to ensure reasonably safe operation of aircraft in any airport, air approach, turning, or transition zone.

Before any nonconforming building, structure, or tree may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher or be replanted, a permit shall be secured from the City Manager or Designee of the city of Carrollton, authorizing such replacement, change, or repair. No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming building, structure, tree, or nonconforming use to be made or become higher or become a greater hazard to air navigation than it was on May 17, 1971, or than it is when the application for a permit is made.

4. VARIANCES AND APPEALS

The Board of Adjustment shall hear all appeals from the decision of the City Manager or Designee with respect to the enforcement of this Section, and may permit a variance in the height of any structure within an airport approach zone, turning zone, or transition zone. Action of the Board shall be made in accordance with Article XXXII of this ordinance.

5. CHANGE IN ZONE BOUNDARIES

The City Council may, from time to time, amend, supplement, or change by ordinance the boundaries of the airport approach zones, turning zones, and transition zones herein established. Such change shall be in accordance with the procedures set forth in Article XXXI of this ordinance. ***(Ord. No. 1844, 11/03/92)***