

ORDINANCE NO. 2023-05-31-11

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE VILLAGE OF BRIARCLIFF, TEXAS, BY AMENDING THE ZONING MAP AND CHANGING THE ZONING OF THE BRIARCLIFF NORTHCAT HOLLOW CLUB SUBDIVISION DISTRICT ONLY, LOCATED IN THE VILLAGE OF BRIARCLIFF; AUTHORIZING NOTICE AND PUBLICATION; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the Village of Briarcliff (“Village”) is empowered to adopt an ordinance, act, law, or regulation that is necessary for the government, interest, welfare, or good order of the municipality as a body politic; and,

WHEREAS, the Village desires to amend the zoning map and change the zoning of Cat Hollow Club Subdivision only, so as to make the permitted use of said tracts of land consistent with Zoning Ordinance No. 05-28-96-01, contingent on certain approvals by appropriate authorities; and,

WHEREAS, the Board of Aldermen of the Village property noticed a public hearing on said proposed change in zoning on the Cat Hollow Club Subdivision District; and,

WHEREAS, notice of a public hearing before the Board of Aldermen on said re-zoning was mailed to all property owners within 200 feet of the property on which the change in zoning is proposed and the Lake Travis Independent School District at least 10 days before said public hearing; and,

WHEREAS, notice of a public hearing before the Board of Aldermen on said re-zoning was published in a general circulation newspaper in Briarcliff, Texas, at least 15 days before such hearing; and,

WHEREAS, a public hearing to change the zoning on the property herein described was held before the Board of Aldermen on May 8, _____, 2023; and,

WHEREAS, the Board of Alderman of the Village of Briarcliff is not adopting the proposed change until after the 30th day after the date the above-noted notices required by applicable law were given, and,

WHEREAS, the Board of Aldermen is of the opinion that the zoning change herein adopted furthers the purpose of zoning as set forth in Zoning Ordinance No. 05-28-96-01, and is in the best interest of the citizens of the Village of Briarcliff;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE VILLAGE OF BRIARCLIFF, TEXAS:

Section 1. FINDINGS

The foregoing recitals are hereby found to be true and correct and are hereby adopted as findings of fact and conclusions of law by the Board of Aldermen and made a part hereof for all purposes.

Section 2. AMENDMENT: RE-ZONING OF TRACT

The Comprehensive Zoning Ordinance of the Village of Briarcliff, Texas, and the Master Plan Map attached thereto, are hereby amended to read as follows:

ARTICLE 14.03 ZONING ORDINANCE

Sec. 14.03.001 Adopted

The zoning ordinance, Ordinance 05-28-96-01, adopted by the village on July 31, 1997, as amended, is included at the end of this chapter as exhibit A. Due to the nature of the zoning ordinance and the technicalities involved in adopting or amending it, such ordinance is printed herein as enacted, with only nonsubstantive formatting and style changes. Capitalization, punctuation and numbering of articles, sections and subsections have been retained. Subsequent amendments will be inserted in their proper place and denoted by a history note following the amended provisions. The absence of a history note indicates the material is unchanged from the original. Obviously misspelled words have been corrected without notation. Any other material added for purposes of clarification is enclosed in brackets. (Ordinance adopting Code)

EXHIBIT A

ZONING ORDINANCE # 05-28-96-01

Subtitle

Master Plan And General Purpose Definition

The general purpose of this Master Plan of zoning is to establish an orderly and equitable design for controlling the development of the Village of Briarcliff.

The Master Plan is composed of and defined by the map known as Exhibit "A" which delineates each zone by outlining that zone on the Master Plan in a separate color, i.e.:

ZONE	DESCRIPTION	MASTER PLAN MAP COLOR
SF	Single Family Housing District	Gold

MF	Multiple Family Housing District	Red
WU	Village of Briarcliff & Water Utility District	Blue
C	Commercial Property District	Pink
BPOA	Briarcliff Property Owners Association District	Yellow
PCC	Pedernales Country Club & Golf Course District	Green
BNSD	Briarcliff North Subdivision District	Purple

ZONING ORDINANCE

The general purposes of the Zoning Ordinance are as follows:

1. To promote, protect, and preserve the health, safety, and welfare of the residents of the Village of Briarcliff (the “Village”), and environmentally important areas of the Village. The Zoning Ordinance has been designed to prevent blighting influences; protect and provide the greatest quality of amenities associated with family living; lessen congestion in the streets; secure safety from fire, flooding, panic and other dangers; provide adequate light and air; prevent the overcrowding of land and Lake Travis water; avoid undue concentration of population; and facilitate the adequate provision of transportation, water, sewerage, storm runoff, schools, parks and other public requirements.
2. To reserve appropriately located areas for residential occupancy which are comprised of safe, peaceful and attractive low-density residential neighborhoods of family dwelling units consistent with sound standards of public health, safety and welfare.
3. To ensure adequate light, air, privacy, and open space free of nuisances for each dwelling.
4. To encourage land use compatibility and protect adjacent residential zoned properties from nuisance factors such as: noise, illumination, dust, smoke, fumes, odor, glare, visual clutter, flashes, heat, electronic or atomic radiation, effluent,

vibration, shock waves, gases, vicious, unrestrained, mischievous, barking dogs; unlawful diversion, of excessive storm drainage onto adjacent property; discharge of firearms or explosives; and excessive roadway and waterway traffic generation.

5. To facilitate the planning for and provision of utility services and other public and neighborhood servicing facilities commensurate with the anticipated population, dwelling unit densities, roadway traffic generation, waterway traffic generation, and public service requirements.

6. Violators of zoning restrictions in all zones shall be issued proper notice to cease and desist, and said notice shall include the number of days allowed for correction of the defects to meet ordinance requirements. If compliance is not completed in the time specified, an injunction shall be imposed and the case shall be filed in the appropriate court of jurisdiction for the setting of a fine and court costs for the violation.

7. A nonconforming status shall exist when: A use or structure which does not conform to the regulations prescribed in the district in which such use or structure is located was in existence and lawfully operating prior to the adoption of the Zoning Ordinance.

No nonconforming use or structure may be expanded or increased beyond the lot or tract upon which such nonconforming use is located as of the effective date of this ordinance.

Repairs and normal maintenance may be made to a nonconforming building provided that no structural alterations or extensions shall be made except those required by law or ordinance, unless the building is changed to a conforming use.

Any nonconforming use may be changed to a conforming use and once such change is made, the use shall not thereafter be changed back to a nonconforming use. Where a conforming use is located in a nonconforming structure, the use may be changed to another conforming use by securing a Certificate of Occupancy from the Village of Briarcliff.

Whenever a nonconforming use is abandoned, all nonconforming rights shall cease and the use of the premises shall thenceforth be in conformity with this ordinance. Abandonment shall involve the intent of the user or owner to discontinue a nonconforming operation and the actual act of discontinuance. Discontinuance of a business or the vacancy of a building or premises occupied by a nonconforming use for a period of one (1) year shall be construed as conclusive proof of intent to abandon the nonconforming use. Any nonconforming use not involving a permanent type of structure which is moved from the premises shall be considered to have been abandoned.

If a nonconforming structure or a structure occupied by a nonconforming use is destroyed by fire, act of God or other cause, it may not be rebuilt except to the provisions of this ordinance.

Subtitle
Single Family Housing District

Definition

The Single Family Housing District is designated as SF and is shown on the Master Plan as those residential lots which are outlined in gold.

Restrictions (use of the property)

1. **QUALITY:** Not more than one single-family dwelling house and one building for garage or storage purpose shall be erected or constructed on any one lot. No building or structure of any kind shall be erected prior to the erection of a dwelling house. If more than one lot is used for construction of a dwelling house, such combined lots shall be considered as one lot for zoning purposes only. No accessory or temporary building shall be used or occupied as living quarters. No structure shall have tar paper, roll brick siding or similar material on outside walls. A driveway shall be constructed prior to occupancy or not later than six (6) months after the start of construction, whichever is sooner. The driveway shall be composed of steel-reinforced concrete or asphalt not less than four (4) inches thick and shall extend to the edge of the street paving. A drainage tube sufficient to drain off a rainfall of three (3) inches per hour shall be installed beneath the lowest level of the driveway. No house trailers, campers, tents, mobile homes, shacks, or similar structures shall be erected, moved to, or placed upon said premises. All building exteriors must be completed within six (6) months from the date that construction commences.

2. **SIZE, SETBACK, ACCESS:** No residence shall have less than 1200 square feet of living space on the ground floor, or first floor, exclusive of porch and garage areas, when measured to and including exterior walls. No porch or projection of any building shall extend nearer than thirty feet (30') to any road right-of-ways, nor nearer than ten feet (10') to the property line of any abutting property owner. Lots on lakefront or inlets of Lake Travis shall be judged individually for setback from the lake because of the irregular shoreline, but not closer than 50 feet (50') from the 681 feet water level of Lake Travis. Existing neighboring residences shall also be considered in evaluation of the setback, if these residences are set back fifty feet (50') or more from the lake line at 681 feet water level. No lot shall have direct vehicular access to F.M. 2322 or Bee Creek Road. Ingress and egress for all lots shall be by way of subdivision streets and roads.

3. **ZONING CONTROL:** A Zoning Control Board ("the Board") shall be appointed by the Commissioners of the Village. It shall be the purpose of such Board, in reviewing plans, specifications, and plot plans, to insure, for all owners, harmony of external and structural design and quality with existing structures. The Board shall have the right to designate a representative to act for it in all matters arising hereunder. No improvements shall be placed on, added to, or altered on any lot until the building plans, specifications, and plot plans showing the location of such improvements on the lot have been approved in writing by the Board. In the event the Board disapproves of any such plans, specifications, and/or plot plans, notice of such disapproval

shall be delivered to the applicant (submitting party) by a member of the Board or by registered or certified letter (return receipt requested). Any such notice must specify in detail the elements disapproved, and the reason or reasons therefor, but shall not contain suggestions as to the methods of curing any such disapproved elements. Appeals to the Board must be submitted within thirty (30) days of notification of the Board decision or the judgement of the Board shall be ruled as final and conclusive. If said Board fails to approve or disapprove said plans, specifications, and/or plot plans within thirty (30) days after same have been submitted, it shall be presumed that same have been approved. A nonrefundable application fee of two hundred dollars (\$200.00) shall accompany any plans for initial construction submitted to the Board.

4. NUISANCES: No noxious or offensive trade or activity shall be permitted on any lot, nor shall any act be committed thereon which shall be or become an annoyance or nuisance to the neighborhood. No fireworks, as that term is understood in Article 9205 of the Texas Civil Statutes, shall be discharged within the zone. No animals or fowl shall be kept or maintained on said lot except customary household pets. No hunting or trapping shall be allowed at any time within the zone. No junk cars shall be allowed. No unleashed, unrestricted or unfenced pets shall be allowed in this zone. No outside storage of materials, supplies, furniture or fixtures shall be allowed in this zone.

5. SEWAGE, WATER SUPPLY: No outside toilet shall be allowed on any lot, with the exception of temporary facilities for use during construction. No untreated waste shall be permitted to enter into Lake Travis. Each dwelling shall have an individual sanitary unit, and the owner of said lot shall install a septic system approved by the LCRA.

6. BOAT DOCKS: No boat docks, floats or other structures extending into Lake Travis shall be constructed or placed into or on said lake without prior written approval of the Board.

7. UTILITY EASEMENTS: The Village reserves a ten feet (10') wide easement from the lot line along all road rights-of-way and a five feet (5') wide easement along the side and rear lines of each and every lot and the owners of said property shall have no cause of action against the Village, its successors or assigns. The purposes of said easements are for:

- a.) installing, operating and maintaining utility lines and mains thereon;
- b.) trimming and/or cutting or removing any encroaching trees and/or brush;
- c.) locating guy wires, braces and anchors wherever necessary for said installations, operations or maintenance;
- d.) installing, operating and maintaining gas and water mains, sewer lines, culverts, and drainage ditches, and other services and appurtenances thereto for the convenience of the Village.
- e.) reserving the right of ingress and egress to such areas for any of the purposes mentioned above.

The following are exceptions from utility easement restrictions:

- a.) The common lot line beneath one single-family dwelling built on two (2) or more adjoining lots shall not be subject to the aforementioned five feet (5') easement.
- b.) No easement shall exist on that portion of any waterfront lot running along or abutting the shoreline of Lake Travis unless shown on the recorded plats.

8. HOME OCCUPATIONS: Home occupations in addition to residential use shall be subject to the following limitations:

- a.) the occupation shall be conducted entirely within the resident's dwelling unit or the attached enclosed garage;
- b.) the occupation shall be carried on by a member(s) of the residing family;
- c.) the residential character of the lot and dwelling shall be maintained and no alterations or additional buildings shall be added on the property to accommodate the home occupation;
- d.) the home occupation shall provide adequate off-street parking on the premises, and shall not generate customer related vehicular traffic in excess of three vehicles per twenty-four (24) hour day;
- e.) no direct selling or manufacturing of merchandise shall occur on the premises;
- f.) no equipment or materials associated with the occupation shall be displayed or stored where visible on the premises;
- g.) the home occupation shall not produce any nuisance factors outside the dwelling as described in the general purposes of the Zoning Ordinance, item 4;
- h.) no vehicle which requires a commercial driver's license to operate shall be parked on the premises or on any street adjacent to the residential zoned property;
- i.) the occupation shall not be advertised by any signs on the premises, nor shall the street address of the occupation be advertised through signs, billboards, television, radio, internet, or newspapers;
- j.) the following shall not be permitted as home occupations: professional child care, animal hospitals, beauty schools, beauty parlors or beauty shops, doctor's or dentist's offices for the treatment of patients, barbershops, construction trade shops, auto repairing, commercial painting, real estate broker's offices with three or more personnel, animal breeding clinics, hospitals, dancing schools, junkyards, restaurants, rental outlets, massage parlors, or any business which disturbs or infringes upon the general welfare of the Village.

Subtitle
Multiple Family Housing District

Definition

The Multiple Family Housing District is designated as MF and shown on the Master Plan as those residential lots, areas and parcels outlined in red. Each Multiple Family Housing lot may be used for a residence which houses up to two (2) family units per building.

Restrictions (use of the property)

All restrictions for SF (Single Family) housing shall also apply to MF (Multiple Family), with the exception that each family unit shall have at least 700 square feet of living space on the main floor. The main floor of each MF housing unit is defined as that floor containing as [at] least a family room, kitchen and bathroom. Briarwood Knoll Sec. 2 parcel B, which is defined as that area encircled by Lawson Lane and Werkinthin Road and more particularly designated as lot 4 on the resubdivision plat, shall be used for recreational purposes or a septic field only. Each MF building must have access to adequate septic system as specified by the LCRA.

Subtitle
Village of Briarcliff and Water Utility District

Definition

The Village of Briarcliff and Water Utility District is designated as WU and shown on the Master Plan as those lots, areas and parcels outlined in blue. This district includes lots 1373, 1374, and 983 (water tower) of the Briarcliff Subdivision.

Restrictions (use of the property)

This district is intended to provide necessary and important community services. Areas so designated must provide adequate protection from noxious or offensive trade or activity. The following uses are permitted:

- a. Those uses permitted in SF, BPOA and C zoning districts;
- b. Water utility pumping, treatment, storage and distribution; (Ordinance 05-28-96-01 adopted 7/31/97)
- c. Government-owned structures, facilities and uses. (Ordinance 04-29-09-01, sec. 3, adopted 5/27/09)

Subtitle
Commercial Property District

Definition

The Commercial Property District is designated as C-1, C-2, or C-3 on the Master Plan and are shown as those lots, areas and parcels outlined in pink. Said lots, areas and parcels are reserved for use as the location of a trade, business, profession or service.

Restrictions (use of the property)

Restrictions 1 and 3 through 7 for SF (Single Family) also apply to Commercial Property, substituting “commercial building” for “single-family dwelling” or “residence”. In addition, the following restrictions apply:

8. Commercial lots 1375, 1376, 1377 and 1378 are zoned C-1 and approved for use as a restaurant/bar. Other permitted uses are:
 - a.) general professional offices;
 - b.) general low traffic/density businesses.
9. That area known as the Pedernales Country Club and Golf Course is zoned C-2 for its primary use as a 9-hole golf course, and includes the swimming pool, cart storage, pro shop, tennis courts and parking lot. By exception the clubhouse is a nonconforming use and is temporarily zoned C-3 for use as a recording studio by the current owner.
10. The commercial business shall provide adequate off-street parking on the premises.
11. The commercial business shall not produce nuisance factors stated in SF restriction #4. Additionally, loud noise, large signs, flashing lights, and loud music are not allowed.
12. The above restrictions apply to all new construction, uses and major changes in use and/or construction.
13. No explosives of any kind shall be sold or distributed in commercial zones.

**Subtitle
Briarcliff North Subdivision District**

Definition

The Briarcliff North Subdivision District is defined herein as those lots, tracts, properties, and parcels along Cat Hollow Club Drive, Judy Lynn Drive, and Felicia Drive, as depicted in purple on the attached map, attached hereto and incorporated herein for all purposes as Exhibit A. With the exception of Restriction Nos. 7 and 8, below, the Briarcliff North Subdivision District is designated as BNSD and shown on the Master Plan as those lots, tracts, and parcels outlined in purple. Besides the following restrictions, current deed restrictions for this area still apply and may be enforced as set forth therein. All other laws, ordinances, rules, and regulations of any authority having jurisdiction shall apply to all lots, tracts, properties, and parcels defined herein.

Restrictions (use of the property)

1. QUALITY: Not more than one single-family dwelling house and two buildings for garage or storage purpose shall be erected or constructed on any one lot. If more than one lot is used for construction of a dwelling house, such combined lots shall be considered as one lot for zoning purposes only. No accessory or temporary building shall be used or occupied as living quarters.

No structure shall have tar paper, roll brick siding or similar material on outside walls. A driveway shall be constructed prior to occupancy or not later than six (6) months after the start of construction, whichever is sooner. A drainage tube sufficient to drain off a rainfall of three (3) inches per hour shall be installed beneath the lowest level of the driveway. No house trailers, campers, tents, mobile homes, shacks, or similar structures shall be erected, moved to, or placed upon said premises so as to be lived in for more than ninety (90) days. Any non-conforming use of any lots, tracts, properties, and parcels defined herein may be continued after the adoption of the amendment, but not be expanded by the owner or occupant, is subject to applicable law, and such non-conforming use shall be immediately terminated and all provisions of the NBSD shall apply on the change of use of any lots, tracts, properties, and parcels therein. A “non-conforming use” is defined as a non-conforming use of land or buildings that existed legally when these zoning restrictions became effective and has continued to exist without subsequent abandonment or the change of use of any lots, tracts, properties, and parcels

2. ZONING CONTROL: A Zoning Control Board (“the Board”) shall be appointed by the Commissioners of the Village. It shall be the purpose of such Board, in reviewing plans, specifications, and plot plans, to insure, for all owners, harmony of external and structural design and quality with existing structures. The Board shall have the right to designate a representative to act for it in all matters arising hereunder. No improvements shall be placed on, added to, or altered on any lot until the building plans, specifications, and plot plans showing the location of such improvements on the lot have been approved in writing by the Board. In the event the Board disapproves of any such plans, specifications, and/or plot plans, notice of such disapproval shall be delivered to the applicant (submitting party) by a member of the Board or by registered or certified letter (return receipt requested). Any such notice must specify in detail the elements disapproved, and the reason or reasons therefor, but shall not contain suggestions as to the methods of curing any such disapproved elements. Appeals to the Board must be submitted within thirty (30) days of notification of the Board decision or the judgement of the Board shall be ruled as final and conclusive. If said Board fails to approve or disapprove said plans, specifications, and/or plot plans within thirty (30) days after same have been submitted, it shall be presumed that same have been approved. A nonrefundable application fee of two hundred dollars (\$200.00) shall accompany any plans for initial construction submitted to the Board.

3. NUISANCES: No noxious or offensive trade or activity shall be permitted on any lot, nor shall any act be committed thereon which shall be or become an annoyance or nuisance to the neighborhood. No fireworks, as that term is understood under applicable law, shall be discharged within the zone. No animals or fowl shall be kept or maintained on said lot except customary household pets. No hunting or trapping shall be allowed at any time within the zone. No junk cars shall be allowed. No unleashed, unrestricted or unfenced pets shall be allowed in this zone. No outside storage of materials, supplies, furniture or fixtures shall be allowed in this zone.

4. SEWAGE, WATER SUPPLY: No outside toilet shall be allowed on any lot, with the exception of temporary facilities for use during construction. No untreated waste shall be permitted to enter into Lake Travis. Each dwelling shall have an individual sanitary unit, and the owner of said lot shall install a septic system approved by the Lower Colorado River Authority or connected to the Village wastewater system.

5. UTILITY EASEMENTS: The Village reserves a ten feet (10') wide easement from the lot line along all road rights-of-way and a five feet (5') wide easement along the side and rear lines of each and every lot and the owners of said property shall have no cause of action against the Village, its successors or assigns. The purposes of said easements are for:

- a.) installing, operating and maintaining utility lines and mains thereon;
- b.) trimming and/or cutting or removing any encroaching trees and/or brush;
- c.) locating guy wires, braces and anchors wherever necessary for said installations, operations or maintenance;
- d.) installing, operating and maintaining gas and water mains, sewer lines, culverts, and drainage ditches, and other services and appurtenances thereto for the convenience of the Village;
- e.) reserving the right of ingress and egress to such areas for any of the purposes mentioned above.

The following are exceptions from utility easement restrictions:

- a.) The common lot line beneath one single-family dwelling built on two (2) or more adjoining lots shall not be subject to the aforementioned five feet (5') easement.
- b.) No easement shall exist on that portion of any waterfront lot running along or abutting the shoreline of Lake Travis unless shown on the recorded plats.

6. HOME OCCUPATIONS: Home occupations in addition to residential use shall be subject to the following limitations:

- a.) the occupation shall be conducted entirely within the resident's dwelling unit or the enclosed garage;
- b.) the occupation shall be carried on by a member(s) of the residing family;
- c.) the residential character of the lot and dwelling shall be maintained and no alterations or additional buildings shall be added on the property to accommodate the home occupation;
- d.) the home occupation shall provide adequate off-street parking on the premises, and shall not generate customer related vehicular traffic in excess of three vehicles per twenty-four (24) hour day;
- e.) no direct selling of merchandise shall occur on the premises;
- f.) no equipment or materials associated with the occupation shall be displayed or stored where visible on the premises;
- g.) the home occupation shall not produce any nuisance factors outside the dwelling as described in the general purposes of the Zoning Ordinance, item 4;

h.) no vehicle which requires a commercial driver's license to operate shall be parked on the premises or on any street adjacent to the residential zoned property;

i.) the occupation shall not be advertised by any signs on the premises, nor shall the street address of the occupation be advertised through signs, billboards, television, radio, internet, or newspapers;

j.) the following shall not be permitted as home occupations: professional child care, animal hospitals, beauty schools, beauty parlors or beauty shops, doctor's or dentist's offices for the treatment of patients, barbershops, construction trade shops, auto repairing, commercial painting, real estate broker's offices with three or more personnel, animal breeding clinics, hospitals, dancing schools, junkyards, restaurants, rental outlets, massage parlors, or any business which disturbs or infringes upon the general welfare of the Village.

7. **MULTIPLE FAMILY HOUSING:** The properties commonly known as Hunter's Point Condominiums, located at 903 Cat Hollow Club Drive, Briarcliff, Texas 78669, Cat Hollow LLC at 900 Cat Hollow Club Drive, Briarcliff, Texas 78669, Whitecliff Condominiums, 1601 Judy Lynn Drive, Briarcliff, Texas 78669, and Marina Villas Condominiums at 611A, 611B, 613A, 613B, 615A, and 615B Cat Hollow Club Drive, Briarcliff, Texas 78669 are hereby designated the Briarcliff North Multiple Family Housing District (BNMF) and shown on the Master Plan as those residential lots, areas and parcels depicted in in white on the attached map, attached hereto and incorporated herein for all purposes as Exhibit A, and are subject to all applicable ordinances, statutes, laws, codes, rules, and regulations of any authority having jurisdiction.

Restrictions (use of the property)

Restrictions 2 through 5 of the Briarcliff North Subdivision District (BNSD) shall also apply to BNMF (Multiple Family), with the exception that each family unit shall have at least 700 square feet of living space on the main floor. The main floor of each BNMF housing unit is defined as that floor containing as at least a family room, kitchen and bathroom. Each BNMF building must have access to adequate water, waste water, or septic system as specified by the LCRA or the Village.

8. **BOAT STORAGE:** The property commonly known as Pace Bend Boat Storage, 1706 Judy Lynn Drive, Briarcliff, Texas 78669, is hereby designated a Commercial Property District (C) and shown as those lots, areas and parcels outlined in pink. Said property designated herein shall be further zoned as C-4.

Restrictions (use of property)

Restrictions 2 through 5 for BNSD (Briarcliff North Subdivision District) also apply to Commercial Property District C-4, described above, substituting "Not more than 2 single story buildings" for "Not more than one single-family dwelling house and two buildings." In addition, the following restrictions apply:

1. The commercial business shall provide for adequate off-street parking on the premises.

2. The commercial business shall not produce nuisance factors stated in SF Restriction No. 4, and loud noise, large signs, flashing lights, and loud music are not allowed.
3. The above restrictions apply to all new construction, uses and major change in use and/or construction.
4. No explosives of any kind shall be sold or distributed in Commercial Property District C-4.

Subtitle
Multiple Family Housing District

Definition

The Multiple Family Housing District is designated as MF and shown on the Master Plan as those residential lots, areas and parcels outlined in red.

Restrictions (use of the property)

All restrictions (except item 2) for SF (Single Family) housing shall also apply to MF (Multiple Family), with the exception that each family unit shall have at least 700 square feet of living space on the main floor. The main floor of each MF housing unit is defined as that floor containing as [at] least a family room, kitchen and bathroom. Briarwood Knoll Sec. 2 parcel B, which is defined as that area encircled by Lawson Lane and Werkinthin Road and more particularly designated as lot 4 on the resubdivision plat, shall be used for recreational purposes or a septic field only. Each MF building must have access to adequate septic system as specified by the LCRA or connected to the Village wastewater system.

Subtitle
Briarcliff Property Owners Association District

Definition

The Briarcliff Property Owners Association District is designated as BPOA and is shown on the Master Plan as those lots, areas and parcels outlined in yellow.

1. The Pedernales Fire Department area is designated as BPOA-1.
2. The Community Building and Service Barn are designated as BPOA-2.
3. All other areas are designated BPOA-3.

Restrictions (use of the property)

1. That area leased to the Pedernales Volunteer Fire Department (BPOA-1) shall be used for Fire Department activities for the term of the lease or until those activities are discontinued.

2. The Community Building and Service Barn (BPOA-2) shall be used as community activity and service areas for the Briarcliff Subdivision.

3. All other areas, including the land surrounding BPOA-2 buildings, (BPOA-3) are designated as outdoor recreation areas for the residents of the Briarcliff Subdivision. The purpose of these areas designated BPOA-3 is to provide a healthful atmosphere for the enjoyment of outdoor activities for Briarcliff Subdivision residents, their children and guests.

a.) The safety of the children shall be paramount in any planned addition to recreation areas zoned BPOA-3.

b.) All guests using BPOA-3 areas must be accompanied by a resident and/or property owner of the Briarcliff Subdivision.

c.) The following are not allowed in BPOA-3: horses, unrestrained pets, off-road vehicles, and fishing or swimming in the lakes within BPOA-3. Fire is permitted in metal containers or stone grills only.

Subtitle

Pedernales Country Club and Golf Course District

Definition

The Pedernales Country Club and Golf Course District is designated as PCC and shown on the Master Plan as those lots, areas and parcels outlined in green. This area includes the golf course, pro shop, cart barn, tennis courts, swimming pool, and parking lot. By exception, the clubhouse is a nonconforming use and is temporarily zoned C-3 for use as a recording studio by the current owner.

Restrictions (use of the property)

All property designated as PCC shall be restricted to its present use except that the clubhouse shall be returned to its original use as a clubhouse if its present use at (6-1-96) is discontinued.

Subtitle

Extraterritorial Jurisdiction

Definition

That land located within one-half (1/2) mile of any portion of the incorporated Village.

Restrictions (use of the property)

The following restrictions apply to undeveloped land, developed land, and land to be redeveloped:

1. All building constructed within 1000 ft. of the incorporated boundary of the Village must meet the same restrictions as those required for the Village.

2. Plans for any buildings to be constructed beyond 1000 ft. from the incorporated boundary shall be submitted to the Board for approval on an individual basis.
3. No mining or use of explosives shall be allowed without a permit from the Village.
4. No trade, business or other activity producing noxious odors or sound or noise pollution shall be permitted.

ADDENDUM

Words and phrases used in this ordinance and defined in this section shall have their meaning as ascribed herein. Words used in this ordinance and not defined in this section shall have their customarily and ordinarily accepted use and meaning.

AREAS OF ENVIRONMENTAL IMPORTANCE AND SIGNIFICANCE: Areas where a plant or animal species naturally live.

BLIGHTING INFLUENCES: Conditions which lower the value of real estate in the Village.

BPOA: Briarcliff Property Owners Association.

BUILDING: Any structure having a roof supported by columns or walls and intended, or used, for the shelter, protection, housing, or enclosure of people, plants, animals, or other property of any kind.

COMMERCIAL PROPERTY: Any property designated in this ordinance for primary use in a commercial enterprise or activity.

DISTRICT OR ZONE: Unless otherwise indicated, "district" and "zone" shall have the same meaning and refer to a Village section established by zoning ordinance for which land use and development regulations are uniform.

DRAINAGE STRUCTURE: Anything located on the ground which controls, directs or conducts surface or storm waters including but not limited to culverts, pipes, troughs, and ditches.

INDIVIDUAL SANITARY UNIT: A self-contained sewage disposal normally consisting of a septic tank(s) and drainfield.

JUNK CAR: Any vehicle parked outside a resident's garage which is inoperative and/or has not been moved in thirty (30) days.

LCRA: Lower Colorado River Authority.

LOT: A parcel of real property with a separate and distinct number or other designation shown on a plat, record of survey, parcel map, or subdivision map recorded in the office of the Travis County Clerk.

LOW DENSITY: Avoidance of a crowded condition.

MASTER PLAN: The Master Plan for the Village of Briarcliff, an independent long-term plan for the use and development of land within the Village.

MAY AND SHALL: “May” is discretionary. “Shall” is always mandatory and not discretionary.

MOBILE HOME: A movable or portable dwelling which is constructed on a chassis, and which is designated to be towed over roads and highways under special permit, designated for year-round occupancy, designed primarily to be used without a permanent foundation, but which may sit on a permanent foundation, and designed to be connected to utilities. It may consist of multiple sections that can be transported separately and assembled on-site. The following shall not be included in this definition:

- a. Travel trailers, pickup coaches, motor homes, camping trailers, or other recreational vehicles.
- b. Manufactured modular housing which is designated to be permanently installed on a permanent foundation, and which uses standard sheathing, roofing, siding, and electrical, plumbing and heating systems.

MULTIPLE-FAMILY HOUSING: A building designated and constructed to accommodate two (2) or more single-family units.

NONCONFORMING USE: An activity that was lawful and existing at a specific location prior to the adoption, revision or amendment of this Zoning Ordinance which fails to conform to the preset requirements of this ordinance.

NO WAKE: Headway speed which is a slow idle speed or speed only fast enough to maintain steering on course without creating a swell or wake.

NUISANCE FACTOR: Any offensive or unpleasant thing which significantly annoys or disturbs a person of ordinary sensibility in the free use, possession or enjoyment of her/his property or which endangers one's health or property, including but not limited to: noise; dust; smoke; fumes; odor; glare; flashes; heat; radiation; effluent; vibrations; shock waves; gases; vicious, mischievous or barking dogs; discharge of firearms or fireworks; unlawful diversion of drainage onto adjacent property; and, unshielded yard or building lighting.

OUTSIDE TOILET: Toilet facility not contained within a residential dwelling or commercial building.

RECREATIONAL VEHICLE: A vehicle which is, or which customarily is, equipped with living or sleeping facilities, whether self-propelled or designated to be used as a trailer.

RIGHT-OF-WAY: The entire width between property lines of any road, street, way, thoroughfare, bridge, park, or common area in the Village.

SHALL AND MAY: “Shall” is always mandatory and not discretionary. “May” is discretionary.

SINGLE FAMILY: A body of persons who live in one dwelling with a familial or fraternal relationship.

SINGLE-FAMILY HOUSING: A building designated and constructed to accommodate a single-family unit, but not including any form of temporary or permanent mobile home, trailer or other vehicle, whether on wheels or not.

STRUCTURE: Anything constructed or erected which requires location on the ground or attached to something located on the ground, including but not limited to buildings of all types, advertising signs, fences and walls.

TEMPORARY BUILDING: A building (as defined above) which is transportable.

THE VILLAGE: The Village of Briarcliff, a municipal area incorporated under the laws of Texas.

UNLEASHED PETS: Dogs which are not restrained by a tether or leash when not within a resident's dwelling or restraining fenced areas.

Section 3. AMENDMENT: PERMITTED USES.

The Cat Hollow Club Subdivision District, noted above, if the contingencies noted above occur shall be re-zoned as set forth herein, and have all uses set forth in the Village's Code of Ordinances.

Section 4. CONFLICT

Whenever any provisions of this Ordinance conflict with those contained in another ordinance, the most stringent or restrictive provision shall control.

Section 5. SEVERABILITY

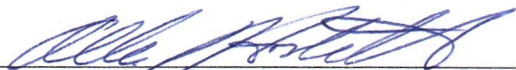
If any article, section, or provision of this Ordinance is found invalid, unconstitutional, or inoperative by any court with jurisdiction to determine same, then the other articles, sections, or provisions herein shall remain in full force and effect.

Section 6. EFFECTIVE DATE


This Ordinance shall become effective as of the date noted below.

PASSED, APPROVED, AND ADOPTED on the 31ST day of May 2023.

VILLAGE OF BRIARCLIFF


Allen Hostetler, Mayor

ATTEST:


Tina Linder, Village Secretary

