

VILLAGE OF BRIARCLIFF  
RESOLUTION NO. 2023-10-25-09 AMENDED

STATE OF TEXAS

COUNTY OF TRAVIS

**A RESOLUTION OF THE BOARD OF ALDERMEN OF THE VILLAGE OF BRIARCLIFF, TEXAS IN RELATION TO SECTION 3.01.001(d), VILLAGE OF BRIARCLIFF CODE OF ORDINANCES TO ESTABLISH FEES AND PROCEDURES FOR BUILDING PERMITS, AND DOCUMENTS, MATERIALS, PLANS, AND SPECIFICATIONS RELATED THERETO; AN ORDINANCE AMENDING SECTION 3.01.001 OF THE VILLAGE OF BRIARCLIFF CODE OF ORDINANCES TO PROVIDE FOR ENFORCEMENT AND PENALTIES INCLUDING CRIMINAL VIOLATIONS FOR SAME; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Village of Briarcliff, a Type A General-Law Municipality ("Village"), adopted Ordinance No. 03-31-04-01 on or about March 31, 2004 establishing procedures and fees for obtaining Building Permits as set forth therein; and,

WHEREAS, Ordinance No. 03-31-04-01 ("Ordinance") allows for the Village to set fees for permit applications as well as documents, materials, plans, and specifications related thereto by resolution by way of Section 3.01.001(d); and,

WHEREAS, Section 1.01.009 provides for general penalties for the violation of any of the Village's codes, ordinances, rules, or police regulations and the Village desires to clarify that such provision applies to any violation of any code, ordinance, rule, resolution, or police regulation issued by the Board of Aldermen for any violation of same; and,

WHEREAS, at a duly called and conducted meeting on October 25, 2023, the Board of Aldermen ("Aldermen") passed this resolution in compliance with the Texas Open Meetings Act, the Local Government Code, the Ordinance, the Village's Code of Regulations, and other applicable law;

**NOW, THEREFORE, BE IS RESOLVED BY THE BOARD OF ALDERMEN OF THE VILLAGE OF BRIARCLIFF, TEXAS:**

Section 1. Findings.

All of the above recitals and premises are hereby found to be true and correct legislative and factual findings of the Board of Aldermen of the Village of Briarcliff, are made part hereof for all purposes, and are hereby approved and incorporated into the body of this Resolution and Ordinance as if copied in their entirety.

## Section 2. Application.

The Board of Aldermen of the Village of Briarcliff, in accordance with Section 3.01.001(d), establishes the current documents, materials, and fees for Building Permits as attached hereto or in other ordinance or resolution of the Village, including, but not limited to, requirements for fences and gates and the Builder Packet, to be used for each application under Chapter 3 of the Code of Ordinances of the Village of Briarcliff, Texas or other applicable law. This Resolution is in compliment to previously adopted resolutions under Section 3.01.001(d) and other applicable law and does not repeals any previously adopted resolutions unless specifically set forth herein.

## Section 3. Fencing Resolution.

- A. This Resolution may be amended by resolution of the Board of Aldermen from time-to-time and all requirements set for therein shall apply as amended.
- B. The following Resolution of the Village of Briarcliff is adopted as follows:
  1. **Applicability.** This Resolution applies to the construction and installation of fences and gates in the Village classified under the Village's Zoning Ordinance as the Single Family Housing District, Multiple Family Housing District, Commercial Property District, Pedernales Country Club District, Briarcliff North Subdivision District, or Briarcliff North Multi-Family Subdivision District for development, construction, or other purposes. Change of topography and the destruction and removal of grasses, plants, trees, shrubs, or other vegetation from the premises is allowable only after a permit for such activity has been obtained from the Village by the owner or his authorized representative, and provided that any such activity subsequent to the receipt of said permit is done in full conformance with the permit terms and any other applicable statute, law, ordinance, rule, or regulation.
  2. "Fence" or "fences" means the erection of any structure of wood, wire, wood and wire, stone, brick, masonry, or any other material, that encloses land on all sides or only one or more sides. All references to fence or fences herein refer to fences and gates or other openings to allow passage.
  3. Fences already in place as of the effective date of this Resolution are exempt from these requirements and specification, provided such fences were property permitted and installed at the time of installation or construction. Any modification, addition, repair, or replacement of fences will be subject to these requirements and specifications. This Resolution does not replace or revoke and previously adopted ordinance, law, rule, resolution, or regulation of any state or local authority, specifically including requirements for fences enclosing swimming pools.

4. Application, Permit, and Fees Required. A Permit shall be required to be issued by the Village before any Initial Work or other work is started on any property in the Village by any person or entity. A Permit application with the following listed requirements must be submitted to, with proper fees as approved from time-to-time by the Village, and approved by the Village of Briarcliff Administrator, Inspector, or designee before a Permit may be issued and any Initial Work is started or completed. In addition to any other permits that may be required under applicable law, e.g., a Lot Clearing Permit, such an application, at a minimum shall include the following:

- (a) A Conceptual Plan showing all Impervious Cover, other landscape/building elements, and Septic Field shall be provide to the Village upon application.
- (b) All fences shall be constructed to the following requirements and specifications:
  - i) No fences shall interfere with any drainage of any lot or property, particularly as such fence or improvements thereto may affect adjacent properties.
  - ii) No fence may exceed six feet in height from the existing grade. Fence color is subject to approval by the Village of Briarcliff.
  - iii) No fence may be place on a vacant lot, in other words a lot without a residential structure, unless the property owner owns the lot on which the fence is constructed and said lot is contiguous and adjacent to a lot owned by the property owner which has a residential structure.
  - iv) No fence shall obstruct visibility of vehicular traffic at any intersection, and shall not be built or encroach on any right of way or property owned by another individual or entity, including the Village of Briarcliff.
  - v) Wood fences shall be installed with the finished side visible from any adjacent street or property.
  - vi) Fences installed at the front of a property and facing a street shall be composed of either wrought iron or a combination of wrought iron, masonry, stone, or brick only. Interpretation of the term "at the front of a property and facing a street" shall be at the sole discretion of the Village. Limited uses of ornamental fences of materials such as wood, split rails, or any product or material other than wrought iron or a combination of wrought iron, masonry, stone, or brick may be installed at the front of a property and facing a street only with written permission of the Village.
  - vii) Fences installed to the side and rear of a residence shall be composed of wood, 14 gauge or heavier welded wire, wrought iron, masonry, stone, brick, or any combination thereof.
  - viii) Fences installed on corner lots and lots where the property extends to face another street shall be composed of wood, 14 gauge or heavier welded wire, wrought iron, masonry, stone, brick, or any combination thereof, and the finished side shall fact the street.
  - ix) No solid or privacy fences shall be installed on waterfront property that may obstruct the view of adjacent lakefront property. "Solid or privacy fence" means and includes hedges or vegetation that does or may result in a noticeable view limitation from one side of the fence to the other.

#### Section 4. Road Use Fee.

Any new construction of any residential or commercial structure or swimming pool on any lot in the Village other than for property zoned as "Governmental, Utility, and Institutional (GUI)," shall be subject to, in addition to any other fees or costs set forth the Village's Code of Ordinances, the following Road Use Fees:

- A. For all new residential construction the fee, in addition to any other fees or costs required by the Village's Code or Ordinances or any resolutions promulgated thereunder, shall be \$5,000.00.
- B. For all new commercial construction the fee, in addition to any other fees or costs required by the Village's Code or Ordinances or any resolutions promulgated thereunder, shall be \$5,000.00.
- C. For any swimming pool, in addition to any other fees or costs required by the Village's Code or Ordinances or any resolutions promulgated thereunder, shall be \$1,500.00.  
"Swimming Pool" means a permanent swimming pool, permanent wading or reflection pool, or permanent hot tub or spa over 18 inches deep, located at ground level, above ground, below ground, or indoors.

#### Section 5. Severability

If any article, section, or provision of this Resolution is found invalid, unconstitutional, illegal, or inoperative by a court of competent jurisdiction, then the other articles, sections, or provisions herein shall remain in full force and effect.

#### Section 6. Conflict

Whenever any provision of this Resolution is in conflict with those contained in another ordinance or resolution of the Village, the more stringent provision shall control.

#### Section 7. Effective Date

This Resolution shall take effect upon its passage on the date noted below.

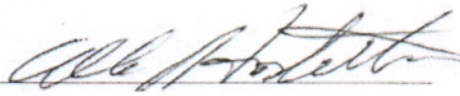
Section 8. Proper Notice and Meeting


It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and the public notice of the time, location, and purpose of said meeting was given as required by applicable law.

RESOLVED, PASSED, ADOPTED, AND APPROVED this 25th day of October 2023.

VILLAGE OF BRIARCLIFF

ATTEST:

By: 


By:   
Tina Linder, Village Clerk

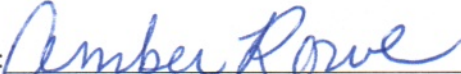
Allen Hostetler, Mayor

AMENDED, PASSED, ADOPTED AND APPROVED this 26<sup>th</sup> day of March 26, 2025

VILLAGE OF BRIARCLIFF

ATTEST:

By:   
Allen Hostetler

By:   
Amber Rowe, Village Clerk

