

# CITY OF FROST, TEXAS

## COUNCIL ACTION SUMMARY



**Meeting Date:** August 3, 2026

**Agenda Item:** 9

**Subject:** Discussion and possible action to approve Ordinance No. 341 amending Chapter 14 (Zoning) of the City of Frost Code of Ordinances to relocate regulations governing Alcoholic Beverage Uses and Sexually Oriented Businesses as part of the City's Code Modernization Project.

---

### **ORDINANCE AT A GLANCE**

#### **Purpose**

Amend Chapter 14 (Zoning) to relocate existing regulations governing Alcoholic Beverage Uses and Sexually Oriented Businesses into the City's zoning regulations as part of the Code Modernization Project.

#### **Project**

Code Modernization Project  
Chapter 14 – Zoning

#### **Project Philosophy**

This ordinance is an organizational and administrative modernization of Chapter 14. The proposed amendments relocate existing regulations from Chapter 4 (Business and Commerce) into Chapter 14 (Zoning), where land use regulations are more appropriately maintained. No substantive changes to City policy are proposed unless specifically identified within the ordinance.

#### **Financial Impact**

None.

This ordinance does not create new fees, costs, or financial obligations.

#### **Key Highlights**

- Relocates regulations governing Alcoholic Beverage Uses into Chapter 14.
- Relocates regulations governing Sexually Oriented Businesses into Chapter 14.
- Places land use regulations within the City's zoning chapter.
- Improves the organization and readability of the Code of Ordinances.
- Supports the City's ongoing Code Modernization Project.

## **COUNCIL ACTION REQUEST**

Approval of Ordinance No. 341 will:

- Relocate regulations governing Alcoholic Beverage Uses into Chapter 14.
- Relocate regulations governing Sexually Oriented Businesses into Chapter 14.
- Improve the organization of the City's zoning regulations.
- Preserve existing City policy while improving the structure of the Code of Ordinances.
- Continue implementation of the City's Code Modernization Project.

## **BACKGROUND**

During the City's review of Chapter 4 (Business and Commerce), it was determined that regulations governing Alcoholic Beverage Uses and Sexually Oriented Businesses primarily address land use rather than business licensing or commercial regulation.

As part of the Code Modernization Project, these provisions are being relocated to Chapter 14 (Zoning), where similar land use regulations are maintained.

This relocation improves the logical organization of the Code by placing zoning-related regulations together while preserving the City's existing regulatory authority.

## **WHAT IS CHANGING**

### **Code Organization**

- Relocates regulations governing Alcoholic Beverage Uses from Chapter 4 to Chapter 14.
- Relocates regulations governing Sexually Oriented Businesses from Chapter 4 to Chapter 14.
- Updates chapter references and section numbering.
- Improves the organization of the Code of Ordinances.

### **Zoning Administration**

- Groups land use regulations within the City's zoning chapter.
- Improves consistency among zoning provisions.
- Simplifies future administration and code maintenance.

## **PRESERVATION OF EXISTING POLICY**

The proposed ordinance is intended to preserve the City's existing land use regulations while improving the organization and administration of the Code of Ordinances.

Accordingly, this ordinance preserves:

- Existing regulations governing Alcoholic Beverage Uses.
- Existing regulations governing Sexually Oriented Businesses.
- Existing zoning authority.

- Existing enforcement authority.
- Existing permitting and approval requirements.
- Existing land use restrictions.

The ordinance does **not** expand permitted uses, reduce regulatory standards, or establish new zoning policies. Instead, it relocates existing provisions into the chapter of the Code where zoning regulations are most appropriately maintained.

## **WHY THIS MATTERS**

One of the primary goals of the City's Code Modernization Project is to organize similar regulations together so they are easier to locate, administer, and enforce.

Because Alcoholic Beverage Uses and Sexually Oriented Businesses are regulated based on where they may locate within the City, these provisions are more appropriately maintained within the zoning chapter rather than the Business and Commerce chapter. This ordinance improves the organization of the Code while preserving the City's existing regulatory framework.

These improvements will:

- Improve transparency.
- Improve consistency throughout the Code.
- Make zoning regulations easier for residents, businesses, developers, and staff to locate.
- Simplify future code amendments.
- Support the City's long-term governance and modernization initiatives.

## **FISCAL IMPACT**

No fiscal impact is anticipated as a result of this ordinance.

This action is organizational in nature and does not create new revenues, expenditures, fees, or financial obligations.

## **LEGAL AUTHORITY**

The City Council is authorized to adopt and amend zoning regulations under applicable provisions of the Texas Local Government Code. This ordinance supports the City's ongoing effort to modernize and maintain its Code of Ordinances while preserving existing zoning authority.

## **ATTACHMENTS**

1. Ordinance No. 341 – Chapter 14 (Zoning) Amendments
2. Exhibit A – Chapter 14 Amendments
3. Chapter 14 Change Matrix

**RECOMMENDED ACTION**

Approve Ordinance No. 341 amending Chapter 14 (Zoning) of the City of Frost Code of Ordinances to relocate regulations governing Alcoholic Beverage Uses and Sexually Oriented Businesses as presented.

**Prepared By:****Shannon Wayman**

Mayor, City of Frost

ORDINANCE NO. 341

AN ORDINANCE OF THE CITY OF FROST, TEXAS, AMENDING CHAPTER 14 (ZONING) OF THE CODE OF ORDINANCES; RELOCATING CERTAIN PROVISIONS REGULATING THE SALE OF ALCOHOLIC BEVERAGES AND SEXUALLY ORIENTED BUSINESSES FROM FORMER CHAPTER 4 INTO CHAPTER 14; ADDING SECTIONS 14.02.021 AND 14.02.022; RENUMBERING CERTAIN EXISTING SECTIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council previously adopted amendments to Chapter 4 (Business Regulations) and identified former Article 4.06 (Sexually Oriented Businesses) and former Article 4.08 (Alcohol Regulation) for relocation to Chapter 14 (Zoning); and

WHEREAS, the City Council desires to complete the relocation of such provisions and improve the organization of the Code of Ordinances; and

WHEREAS, the City Council finds that adoption of this Ordinance serves the public health, safety, and welfare;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FROST, TEXAS:

SECTION 1.

Chapter 14, Article 14.02 (Zoning Ordinance), is hereby amended by adding Sections 14.02.021 and 14.02.022 as set forth in Exhibit A attached hereto and incorporated herein by reference.

SECTION 2.

Existing Sections 14.02.021 through 14.02.028 are renumbered as reflected in Exhibit A. The City Secretary and codifier are authorized to make non-substantive numbering, formatting, grammatical, and cross-reference corrections necessary to implement this Ordinance.

SECTION 3.

It is the intent of the City Council that the provisions of this Ordinance shall be codified and incorporated into the Code of Ordinances of the City of Frost.

SECTION 4.

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed only to the extent of such conflict.

SECTION 5.

Should any section, subsection, sentence, clause, phrase, or provision of this Ordinance be held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 6.

This Ordinance shall become effective immediately upon its adoption and publication as required by law.

PASSED AND APPROVED by the City Council of the City of Frost, Texas, on this \_\_\_\_ day of \_\_\_\_\_, 2026.

---

Shannon Wayman, Mayor

ATTEST:

---

Juli Reeves, City Secretary

EXHIBIT A  
CITY OF FROST, TEXAS  
CHAPTER 14 (ZONING)

Chapter 14, Article 14.02 (Zoning Ordinance), is hereby amended by adding Sections 14.02.021 and 14.02.022 to read as follows:

Sec. 14.02.021. Sale of Alcoholic Beverages.

(a) Purpose and Applicability. The provisions of this section establish location and land use regulations applicable to the sale of alcoholic beverages within the City. All sales of alcoholic beverages shall comply with this section and all applicable provisions of state law.

(b) Regulation of Sale of Alcoholic Beverages Near Public or Private Schools, Churches, or Hospitals.

(1) The sale of alcoholic beverages is prohibited:

(A) Within one hundred feet (100') of a church, public or private school, or public hospital;

(B) Within one thousand feet (1,000') of a public school if the City receives a request from the governing body of the public school; or

(C) Within one thousand feet (1,000') of a private school if the City receives a request from the governing body of the private school.

(2) In the event the one thousand foot (1,000') limitation described above is not requested or otherwise does not apply, the one hundred foot (100') limitation shall remain applicable.

(c) Measurement of Distance.

(1) The measurement of the distance between the place of business where alcoholic beverages are sold and a church or public hospital shall be along the property lines of the street fronts and from front door to front door, and in a direct line across intersections.

(2) The measurement of the distance between the place of business where alcoholic beverages are sold and a public or private school shall be:

(A) In a direct line from the property line of the public or private school to the property line of the place of business, and in a direct line across intersections; or

(B) If the permit or license holder is located on or above the fifth story of a multistory building, in a direct line from the property line of the public or private school to the property line of the place of business, in a direct line

across intersections, and vertically up the building at the property line to the base of the floor on which the permit or license holder is located.

(d) Variances.

The City Council may allow variances from the regulations contained in this section if the Council determines that enforcement of the regulations in a particular instance is not in the best interest of the public, constitutes waste or inefficient use of land or other resources, creates an undue hardship on an applicant, does not serve its intended purpose, is not effective or necessary, or for any other reason the Council determines, after consideration of the health, safety, and welfare of the public and the equities of the situation, that a variance is in the best interest of the community.

Applications for variances shall be submitted to the City Secretary and processed in accordance with applicable City procedures.

(e) Regulation of Sale of Alcoholic Beverages Near Day-Care Centers and Child-Care Facilities.

Location restrictions applicable to day-care centers and child-care facilities shall be governed by applicable provisions of state law.

(f) Additional Regulations Applicable to Sale of Alcoholic Beverages.

The sale of alcoholic beverages is prohibited within any R District as defined by this Chapter and within any Planned Development (PD) District that includes residential uses.

(g) Compliance with State Law.

The sale of alcoholic beverages within the City shall comply with all applicable provisions of the Texas Alcoholic Beverage Code and regulations of the Texas Alcoholic Beverage Commission.

Sec. 14.02.022. Sexually Oriented Businesses.

(a) Definition.

For purposes of this section, Sexually Oriented Business shall mean an adult arcade, adult book or video store, adult cabaret, adult lounge, adult motel, adult novelty shop, adult service business, adult theater, or other commercial enterprise whose primary business is the offering of services or the sale, rental, or exhibition of materials or devices intended to provide sexual stimulation or sexual gratification.

(b) Location Restrictions.

(1) A sexually oriented business shall not be located on any lot within five hundred feet (500') of any lot on which there is located another sexually oriented business.

(2) A sexually oriented business shall not be located on any lot within one thousand feet (1,000') of any lot on which there is located any public or private school, church, public park or playground, or licensed day-care center.

(3) A sexually oriented business shall not be located on any lot within one thousand feet (1,000') of any lot which is zoned or used for residential purposes.

(c) Measurement of Distance.

A radius or distance under this section shall be determined from the midpoint of a line joining the two most distant points on the boundaries of the lot.

(d) Compliance with Other Laws.

Nothing in this section shall be construed to authorize any activity prohibited by federal law, state law, or other provisions of this Code.

#### Renumbering of Existing Sections

14.02.021 Parking Space Regulations shall become 14.02.023.

14.02.022 Nonconforming Uses shall become 14.02.024.

14.02.023 Planning and Zoning Commission shall become 14.02.025.

14.02.024 Board of Adjustment shall become 14.02.026.

14.02.025 Amendments shall become 14.02.027.

14.02.026 Repealer shall become 14.02.028.

14.02.027 Severability shall become 14.02.029.

14.02.028 Engrossment and Enrollment Clause shall become 14.02.030.

## Article 4.06 and 4.08 Relocation Matrix

| Former Section | Subject             | Action                                   | New Location         |
|----------------|---------------------|------------------------------------------|----------------------|
| 4.06.001       | Definitions         | Relocate applicable land-use definitions | Chapter 14           |
| 4.06.002       | Penalty             | Repealed; Chapter 1 governs              | N/A                  |
| 4.06.003       | Injunction          | Preserve for future SOB Ordinance        | Future SOB Ordinance |
| 4.06.004       | General Regulations | Preserve for future SOB Ordinance        | Future SOB Ordinance |
| 4.06.005       | Location Standards  | Relocated                                | Chapter 14           |
| 4.06.031       | License Required    | Preserve                                 | Future SOB Ordinance |
| 4.06.032       | License Standards   | Preserve                                 | Future SOB Ordinance |
| 4.06.033       | License Fee         | Preserve                                 | Future SOB Ordinance |
| 4.06.034       | Inspections         | Preserve                                 | Future SOB Ordinance |
| 4.06.035       | Expiration/Renewal  | Preserve                                 | Future SOB Ordinance |
| 4.06.036       | Suspension          | Preserve                                 | Future SOB Ordinance |
| 4.06.037       | Revocation          | Preserve                                 | Future SOB Ordinance |
| 4.06.038       | Appeals             | Preserve                                 | Future SOB Ordinance |
| 4.06.039       | Transfer            | Preserve                                 | Future SOB Ordinance |

| Former Section | Subject                                     | Action                          | New Location            | Notes                                 |
|----------------|---------------------------------------------|---------------------------------|-------------------------|---------------------------------------|
| 4.08.001       | Definitions                                 | Repealed; state law governs     | N/A                     |                                       |
| 4.08.002       | License Required                            | Repealed; TABC governs          | N/A                     |                                       |
| 4.08.003       | Permit Procedures                           | Repealed; TABC governs          | N/A                     |                                       |
| 4.08.004       | Application Fee                             | Deferred to Fee Schedule Review | N/A                     |                                       |
| 4.08.005       | Renewal Fee                                 | Deferred to Fee Schedule Review | N/A                     |                                       |
| 4.08.006       | Hours of Operation                          | Repealed; state law governs     | N/A                     |                                       |
| 4.08.007       | Alcohol on City Property                    | Preserve                        | Future Code Placement   |                                       |
| 4.08.008       | School/Church/Hospital Distance Regulations | Relocate                        | 14.02.021               | No substantive change                 |
| 4.08.009       | Daycare Distance Regulations                | Relocate                        | 14.02.021               | State-law references updated          |
| 4.08.010       | Residential District Restrictions           | Relocate                        | 14.02.021               | Updated to current Ch. 14 terminology |
| 4.08.011       | Failure to Supervise a Minor                | Preserve                        | Future Chapter 8 Review |                                       |
| 4.08.012       | Penalty                                     | Repealed; Chapter 1 governs     | N/A                     |                                       |