



MEETING DATE: October 21, 2026

PRESENTED BY: Xavier Cervantes, AICP, CPM - Director of Planning

AGENDA ITEM: Discussion and Possible Action on Matters Related to Adoption of Ordinance #___ amending Appendix A, Article V, Section 1.23 of the City of Mission Code of Ordinances regarding protests and recommendations for denial, removing the City-imposed super-majority vote requirement to override a recommendation from the Planning and Zoning Commission – Cervantes

NATURE OF REQUEST:

The City's current zoning regulations contain provisions establishing voting requirements for certain zoning amendments. Section 1.23 includes a provision requiring a three-fourths vote of all members of the City Council to overrule a recommendation from the Planning and Zoning Commission that a zoning amendment, supplement, or change be denied.

The Texas Legislature has subsequently amended Chapter 211 of the Texas Local Government Code, including the repeal of former statutory provisions that addressed certain local super-majority voting requirements.

Staff is recommending that the City amend Section 1.23 to remove the additional local three-fourths voting requirement applicable when the City Council considers a recommendation of denial from the Planning and Zoning Commission.

The propose ordinance would do the following:

- Remove the City-imposed three-fourths super-majority requirement for the City Council to overrule a Planning and Zoning Commission recommendation for denial.
- Allow the City Council to act on zoning amendments under the ordinary voting requirements applicable to the City Council.
- Continue to recognize and preserve all zoning protest rights and voting requirements required by Texas law.
- Clarify that state law controls whenever a statutory super-majority requirement applies to a qualifying zoning protest.
- Update the City's Code of Ordinances to better conform to the current statutory framework.

The proposed amendment will eliminate an additional local procedural requirement that may unnecessarily restrict the City Council's ability to act on zoning matters.

The Planning and Zoning Commission will continue to perform its statutory and advisory role in reviewing zoning requests and making recommendations to the City Council. The proposed amendment does not eliminate the Commission's authority or role in the zoning process.

It would allow the City Council to make the final legislative determination regarding a zoning amendment using the ordinary voting requirements applicable to the City Council, while preserving any super-majority voting requirement that is independently mandated by state law.

BUGETED: Yes / No / N/A **FUND:** _____ **ACCT. #:** _____

BUDGET: \$ _____ **EST. COST:** \$ _____ **CURRENT BUDGET BALANCE:** \$ _____

BID AMOUNT: \$ _____

STAFF RECOMMENDATION:

Approval of ordinance amendment.

Departmental Approval: Enter Department Name _____

Advisory Board Recommendation: Enter Recommendation _____

City Manager's Recommendation: Enter Recommendation _____

RECORD OF VOTE:

APPROVED: _____

DISAPPROVED: _____

TABLED: _____

_____ **AYES**

_____ **NAYS**

_____ **DISSENTING** _____