

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS, 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 OF THE PLANNING AND ZONING COMMISSION; PROVIDING FOR CONFORMITY WITH APPLICABLE STATE LAW; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Mission, Texas, is a home-rule municipality possessing the full power of local self-governance pursuant to Article XI, Section 5 of the Texas Constitution; and

WHEREAS, pursuant to the laws of the State of Texas, including Section 51.001 of the Texas Local Government Code, the City Council has the authority to adopt an ordinance that, among other things, is for the good government, peace, or order of the City of Mission; and

WHEREAS, Appendix A, Article V, Section 1.23 of the Code of Ordinances of the City of Mission presently establishes certain super-majority voting requirements concerning proposed zoning amendments; and

WHEREAS, Section 1.23(2) presently requires a vote of three-fourths of all members of the City Council to overrule a recommendation of the Planning and Zoning Commission that a proposed zoning amendment, supplement, or change be denied; and

WHEREAS, the City Council finds that the additional local super-majority requirement contained in Section 1.23(2) is unnecessary and should be removed so that zoning matters may be decided by the ordinary voting requirements applicable to the City Council, subject to all requirements imposed by state law; and

WHEREAS, the Texas Legislature amended Chapter 211 of the Texas Local Government Code through House Bill 24, effective September 1, 2025, including the repeal of former Section 211.006(d) and 211.006(f) and the addition of Section 211.0061 establishing the current statutory protest procedures and applicable voting requirements for certain proposed zoning changes; and

WHEREAS, the City Council desires to amend Section 1.23 to remove provisions that are inconsistent with or unnecessary under current state law while preserving all statutory rights and requirements applicable to zoning protests; and

WHEREAS, the Planning and Zoning Commission of the City of Mission held a public hearing on the proposed amendment to Section 1.23 on October 21, 2026, after notice as required by law, and has submitted its final report to the City Council recommending approval of the

proposed amendment, in accordance with Section 211.007 of the Texas Local Government Code and Sections 1.20 and 1.22 of Appendix A, Article V, of the Code of Ordinances; and

WHEREAS, the City Council has determined that the amendments contained herein are in the best interests of the citizens of the City of Mission and will promote an efficient, transparent, and consistent zoning approval process.

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

SECTION 1. AMENDMENT OF APPENDIX A, ARTICLE V, SECTION 1.23

Subsections (1) and (2) of Appendix A, Article V, Section 1.23 of the Code of Ordinances of the City of Mission, Texas, entitled “Protests and recommendations for denial,” are hereby amended by adding the language underlined (added) and deleting the language that is (~~stricken~~) to read as follows:

Section 1.23 – Protests and recommendations for denial.

- ~~1. In case of a written protest against any change in zoning, signed by the owners 20 percent or more either of the area of the lots or land included in such proposed change, or of the lots or land immediately adjoining the same and extending 200 feet therefrom, such amendment shall not become effective except by the favorable vote of three fourths of all the members of the legislative body of the City of Mission.~~

Written protests concerning a proposed change in zoning, zoning regulations, or zoning district boundaries shall be processed in accordance with the applicable provisions of Chapter 211 of the Texas Local Government Code, as amended from time to time.

If written protest is submitted that satisfies the applicable statutory requirements, the proposed zoning change shall be subject to the voting requirements established by State Law.

- ~~2. A vote of three fourths of all the members of the legislative body of the City of Mission is also required to overrule a recommendation of the planning and zoning commission that the proposed amendment, supplement, or change be denied.~~

A recommendation by the Planning and Zoning Commission to deny a proposed change to a zoning regulation or district boundary does not, by itself, increase the number of affirmative votes otherwise required for the City Council to approve the proposed change.

The vote required shall be determined by applicable state law, the City Charter, and this Code.

Subsection (3) of Section 1.23 is not amended by this Ordinance and shall remain in full force and effect.

SECTION 2. STATE LAW CONTROLS

Nothing in this Ordinance shall be construed to waive, diminish, or eliminate any rights of protest, notice requirement, voting requirement, or other requirement imposed upon the City by the Constitution or statutes of the State of Texas.

To the extent that a state statute establishes a mandatory voting requirement for a proposed zoning change that has been properly protested, the statutory requirement shall control.

SECTION 3. CODIFICATION

The City Secretary is hereby authorized and directed to incorporate the amendments adopted by this Ordinance into Appendix A of the Code of Ordinances of the City of Mission, Texas, and to make such nonsubstantive formatting, numbering, and grammatical changes as may be necessary to codify this ordinance.

SECTION 4. SEVERABILITY

If any section, subsection, paragraph, sentence, phrase, or provision of this Ordinance is determined to be invalid or unconstitutional by a court of competent jurisdiction, such determination shall not affect the validity of the remaining portions of this Ordinance, which shall remain in full force and effect.

SECTION 5. REPEAL OF CONFLICTING PROVISIONS

All ordinances, resolutions, or parts of ordinances or resolutions of the City of Mission that are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 6. SAVING CLAUSE

This Ordinance does not affect the validity of any final action taken by the City Council before the effective date of this Ordinance. A proposal to change a zoning regulation or zoning district boundary that was made before September 1, 2025, shall be governed by the law in effect on the date the proposal was made, including Section 1.23 as it existed before the effective date of this Ordinance, and the former law is continued in effect for that purpose, consistent with the applicability provision of House Bill 24, Acts of the 89th Legislature, Regular Session (2025). Except as provided in this Section, the amendments adopted by this Ordinance shall apply to any vote of the City Council on a proposed change to a zoning regulation or zoning district boundary that occurs on or after the effective date of this Ordinance, regardless of the date on which the proposal, application, or protest was made or filed.

SECTION 7. PUBLICATION

The City Secretary is directed to cause this Ordinance, or its caption and penalty clause where applicable, to be published in accordance with the requirements of the City Charter and applicable law.

SECTION 8. EFFECTIVE DATE

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

PASSED, APPROVED, AND ADOPTED THIS ____ day of _____, 2026, at a regular meeting of the City Council of the City of Mission, Texas at which a quorum was present and which was held in accordance with the TEXAS GOVERNMENT CODE, CHAPTER 551.

CITY OF MISSION

Norie Gonzalez Garza, Mayor

ATTEST:

Anna Carrillo, City Secretary

APPROVED AS TO FORM:

City Attorney