Proposed Retail Fuel Station Ordinance

Frequently Asked Questions

Houston Planning Commission | Public Information Draft

This Frequently Asked Questions (FAQ) document explains the proposal in plain language based on the draft ordinance presented to the Houston Planning Commission on November 12, 2026. The FAQ may be updated or changed as a result of public hearings.

Purpose	Protect residential areas while supporting predictable commercial development.
Applies to	New retail fuel stations and certain changes that alter an existing station's boundary of operations.
Core review	A locational screening, followed (when required) by a 100-foot residential-area test.
Decision review	An applicant may appeal the Planning Director's determination to the Planning Commission.

About the proposal

1. What is being proposed?

The City is proposing an ordinance to guide the location of new retail fuel stations and certain expansions to commercial areas, away from residential areas. The ordinance would be codified in a new division 9 of Chapter 42 of the Houston Code of Ordinances.

2. Why is the City considering this ordinance?

This ordinance is the product of a multi-disciplinary working group organized by Mayor Whitmire in response to residents speaking in support of preserving the integrity and character of the City's residential areas.

3. Is this a moratorium on gas stations?

No. The proposal establishes new location standards on a going-forward basis, following adoption by City Council, rather than creating a moratorium.

4. Is the ordinance final?

No. The ordinance concept was presented to the City Council Economic Development Committee on October 21, 2026. A draft ordinance was presented to the Planning Commission on November 12, 2026. The Planning Commission will hold a public hearing on the proposal on December 17, 2026. City Council will hold a public hearing in January 2027 in anticipation of the ordinance being considered for adoption by City Council. Until City Council formally adopts an ordinance, it is still considered a draft and under the consideration process.

5. What is a "retail fuel station"?

It's a gas station, defined as a fuel-dispensing facility, including its dispensers, structures, and improvements, whose operation includes the retail sale of gasoline or diesel fuel and ancillary goods and services.

6. Are any locations excluded from the proximity assessment?

Yes. The new requirements would not apply to a retail fuel station located in or along:

- a Major Activity Center Houston Major Activity Centers | City of Houston GIS Open Data;
- a major thoroughfare with a planned or designated right-of-way width greater than 80 feet, based on the Major Thoroughfare and Freeway Plan Street Hierarchy Table Microsoft Word - 25MTFPClassificationTable; or
- a freeway.

7. What retail fuel stations are required to comply with the location requirements of the ordinance?

The residential area proximity assessment applies to all other building permit applications for new retail fuel stations and for existing stations that seek to reconstruct or make improvements that change the retail fuel station's "boundary of operations" that are not exempt under item 6 above.

8. What is the "boundary of operations"?

It is the perimeter of the tract used as a retail fuel station, as shown on the development plat site plan. The boundary is important because the residential test area is measured outward from it.

9. Does ordinary maintenance at an existing station trigger the ordinance's required residential area proximity assessment?

No. Ordinary maintenance by itself would not trigger the proximity assessment. The trigger is reconstruction or improvement that changes the boundary of operations.

The proposal does not replace other City, state, or federal approvals. It adds a land-use siting and spatial-separation review.

How the location review would work

10. What is the two-step location test?

Step 1 determines whether the site is in an exempt location, such as a Major Activity Center, along a freeway, or on a major thoroughfare wider than 80 feet. If it is, no further review is required. If it is not, **Step 2** applies the residential area proximity assessment test.

11. How is the 100-foot test area created?

The test area is created by plotting points 100 feet from every point of the boundary of operations and connecting those points. The portion of the tract that fronts a public street is excluded. Every other tract, or part of a tract, located within the resulting shape is included in the test area.

12. How is the residential percentage calculated?

The number of residential tracts in the test area is divided by the total number of tracts in the test area, then multiplied by 100. The resulting product is expressed as a percent. Full tracts and portions of tracts count. Multi-family tracts are converted at a ratio of one-eighth acre, or any fraction of one-eighth acre, as one residential tract equivalent. The retail fuel station site itself is not included in the residential test calculation.

13. What happens if less than 50 percent of the test area is residential?

The area does not meet the definition of a residential area, so the site satisfies the proximity assessment and may continue through other applicable permit and approval processes.

14. What happens if 50 percent or more of the test area is residential?

The site would be treated as abutting a residential area and thus deemed by the Director as not eligible for the building official to issue a building permit for a retail fuel station unless the Director's determination is reversed by the Planning Commission on appeal.

15. Does the ordinance create a discretionary variance?

No. The proposal includes a process for an appeal focused on whether the Director's technical determination was in error. The Planning Commission may affirm or reverse the determination or briefly defer action.

Applications, decisions, and appeals

16. What must an applicant submit?

Projects that do not meet the exception criteria are required to submit a residential-area determination application, a development plat, a metes-and-bounds description of the boundary of operations, and a test-area site plan identifying residential and nonresidential tracts. The plan must also show relevant buildings, driveways, fences, parking areas, easements, and public-street right-of-way widths. A nonrefundable fee and any additional information reasonably requested by the Director would also be required.

17. How long would the Director have to issue a determination?

After receiving a complete application, the Director would provide written notice of the determination within 20 business days.

18. How long would the determination remain valid?

The determination remains effective while there is an active building permit application for construction or alteration of the station. Renewing a permit application would require a new residential-area determination.

19. How can an applicant appeal?

An applicant has 10 business days after notice of the Director's determination to file an appeal with the Department. The appeal must include the required form, specific facts and reasons, relevant evidence, and payment for the notice cost.

20. Who is notified of an appeal?

Owners of the tracts within the test area would receive notice, as well as the affected Council Members and neighborhood stakeholders. The applicant would also have to post a sign on the property informing of the appeal.

21. What may the Planning Commission do on appeal?

The Commission may affirm or reverse the Director's determination, or defer action until the next regular meeting, for no more than 30 days from the filing date. The Commission's decision is final and exhausts the applicant's administrative remedies.

Other permits and public process

22. Does passing the location test authorize a station to open?

No. A station would still need all other applicable City, State and federal approvals including the Texas Department of Licensing and Regulation, City of Houston Code Enforcement and Fire Marshal, and the Texas Commission on Environmental Quality. Examples include official registration, a certificate of occupancy, an operational permit, and a fuel delivery certificate.

23. What is the anticipated schedule?

The Planning Commission will hold a public hearing on December 17, 2026. After the Planning Commission holds their hearing and makes their recommendation(s) to City Council, a public hearing will be held in January 2027 by City Council. Following the public hearing, City Council will consider the ordinance at a later date in January 2027.

24. When would the ordinance take effect?

The ordinance would take effect 30 days after City Council approval.

For a site-specific determination, applicants should rely on the final ordinance, adopted rules, official application materials, and written guidance from the Houston Planning and Development Department.

For more information, to make comments or ask questions, please go to:

Retail Fuel Station Ordinance | City of Houston eGovernment Center