Retail Fuel Station Ordinance Overview

Presentation to the

Houston Planning Commission

November 12, 2026

Presented by

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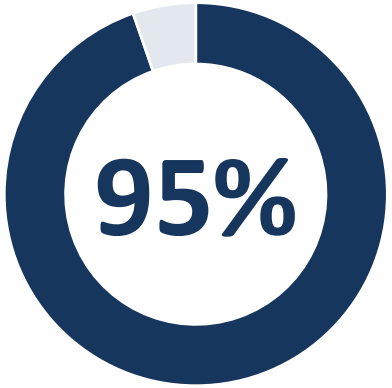
How a fuel station opens today

Three agencies issue separate approvals. Their processes run at the same time and do not depend on each other.

1 PERMITTING	2 INSPECTIONS	3 OPENING
TDLR Texas Department of Licensing and Regulation	• Accessibility Review/Compliance • Dispenser Performance Review	☑ Official Registration
City of Houston Houston Permitting Center	• Code Enforcement • Fire Marshal	☑ Certificate of Occupancy ☑ Operational Permit
TCEQ Texas Commission on Environmental Quality	Submit UST Registration and Self-Certification 30 days before activating tanks	☑ Fuel Delivery Certificate

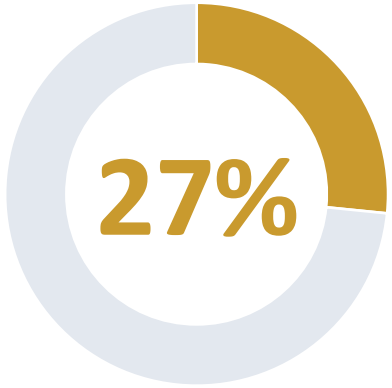
What Houston’s data shows

188 fuel station applications in the City of Houston (Harris County portion) over the past 4 years



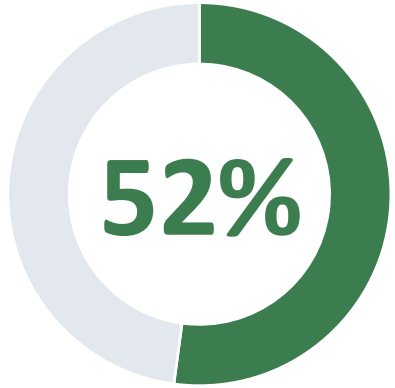
are on major thoroughfares

178 of 188 applications



are on roads 80 ft wide or less, or on smaller streets

50 of 188 applications
These would get the closer review.



had homes within 50–100 ft of the site

98 of 188 applications

Proposal

A new City ordinance that guides where new retail fuel stations can be built



PRESERVE

the character of residential areas



PROMOTE

predictable, orderly growth of commercial development

How the ordinance is structured

Four key features

Part of the development code

Adds a **new Division 9** to **Chapter 42** of the City's Code of Ordinances

Forward looking

Applies to new retail fuel station applications going forward

Two-step location review

Step 1 checks the road. Step 2, if needed, checks how much of the surrounding area is residential.

Appeal process

An objective review of the decision's technical merits, allowing the applicant to present evidence of compliance

The two-step location test

Every new fuel station site is checked in this order



**The ordinance sets specific criteria for measuring the residential share of the area around the site.*

Objective Appeal Process

An applicant can ask the Planning Commission to review the residential area determination

FILE

Appeal within 10 business days

After notice of the director's determination

NOTIFY

Nearby owners & key stakeholders are notified

HEARING

Commission hears the appeal

Applicant presents facts and evidence

DECISION

Affirm or reverse

Or defer, for no more than 30 days

THE APPEAL REQUEST MUST INCLUDE

- Application
- Facts/Reasons
- Evidence
- Notice fee

The Commission's decision is final

Example: 1909 Washington Avenue

How the two-step test would apply to a real application site



STEP 1 · ROAD

Washington Avenue
80-ft major thoroughfare, not wider than 80 ft → go to Step 2

STEP 2 · RESIDENTIAL SHARE

80%	57%
Within 50 ft	Within 100 ft

Does not qualify
More than half of the surrounding area is residential

Example: 5204 Live Oak Street

How the two-step test would apply to a real application site



STEP 1 · ROAD

Southmore Boulevard
80-ft major thoroughfare, not wider than 80 ft → go to Step 2

STEP 2 · RESIDENTIAL SHARE

100%	100%
Within 50 ft	Within 100 ft

Does not qualify
More than half of the surrounding area is residential

Ordinance schedule

Next steps in the process

DATE	ACTION	
Thurs., November 12, 2026	Presentation to Planning Commission; sets public hearing for Dec 17	TODAY
Thurs., December 17, 2026	Public hearing at Planning Commission	PUBLIC HEARING
Wed., January 6, 2027	City Council sets public hearing for Jan 13	
Wed., January 13, 2027	Required public hearing at City Council; possible consideration	PUBLIC HEARING
Wed., January 20, 2027	City Council consideration	
Feb 2027	Ordinance takes effect 30 days after Council approval	

Questions

Retail Fuel Station Ordinance