

EXECUTIVE ORDER NO. 2004-2

TO: ALL BOARDS, COMMISSIONS, DEPARTMENT DIRECTORS, CITY COUNCIL MEMBERS AND THE CITY CLERK

SUBJECT: MORATORIUM ON APPLICATIONS FOR NEW MOTOR VEHICLE FILLING STATIONS

DATE: SEPTEMBER 15, 2004

In the past five years, the City of Detroit has seen a significant increase in the establishment of motor vehicle filling stations. Many of these filling stations were either located in unsuitable locations or required variances or waivers because they could not meet fully the specifications in the Detroit Zoning Ordinance.

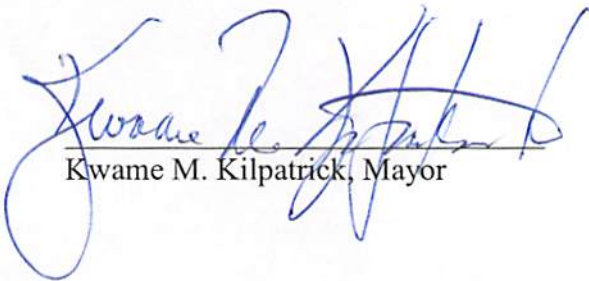
In addition to the proliferation in the establishment of new motor vehicle filling stations, the Buildings and Safety Engineering Department and the Planning and Development Department have seen a decrease in resources and an increase in responsibilities. The Buildings and Safety Engineering Department, along with the Planning and Development Department, have a significant role in the establishment of motor vehicle filling stations. The Buildings and Safety Engineering Department is responsible for receiving applications for the establishment of motor vehicle filling stations, ensuring that the applications are complete, conducting inspections, preparing reports and, at certain times, holding public hearings. The Planning and Development Department is responsible for determining and notifying affected community groups under certain circumstances, preparing reports and recommendations and working with applicants to ensure compliance with the Detroit Zoning Ordinance. All of these functions by the Buildings and Safety Engineering Department present a significant strain on the City's resources.

Further, the establishment of new motor vehicle filling stations impacts the environment in the City. The addition of new motor vehicle filling stations increases the competition amongst existing stations and often results in the closing and/or abandonment of older stations that cannot expand and compete with its new competitor. Such abandonment presents the City with the environmental danger from underground storage tanks, and rubbish and debris that collects on the abandoned property.

Finally, the establishment of new motor vehicle filling stations places a significant burden on City inspectors charged with inspecting all motor vehicle filling stations to ensure that they comply with all City ordinances and state laws, and permit grant conditions where applicable. Currently, most motor vehicle filling stations in the City are out of compliance with an ordinance or law or regulation or a permit grant condition.

Therefore, it is ordered that as of the effective date of this Order no City department may accept any application for the establishment of a new motor vehicle filling stations for a period of two (2) years for the purpose of giving the City the opportunity to review its Zoning Ordinance to improve the process for the establishment of motor vehicle filling stations and providing safeguards for the citizens of the City as a result of the impact of these new stations. This interim time will also provide the City with an opportunity to work with motor vehicle filling stations currently in operation to assist them in bringing their stations into compliance with the relevant ordinances, laws, regulations and applicable permit grant conditions.

This Executive Order is effective this date.



Kwame M. Kilpatrick, Mayor