



CITY OF NOVI CITY COUNCIL
JUNE 15, 2020

SUBJECT: Consideration to adopt Resolution Regarding Additional Temporary Signage in Light of Covid-19 Pandemic.

SUBMITTING DEPARTMENT: City Manager

BACKGROUND INFORMATION:

Although City Council approved a resolution at its June 1, 2020 meeting that authorized 2 additional temporary signs for businesses in the City, from now until the end of the year, the City Administration was directed to bring to Council for discussion an additional resolution that would relax the City's temporary sign rules even further.

We reviewed the City's ordinance and what some businesses have been doing, as well as some ordinances/resolutions from around the country that have addressed this issue. Those ranged from complete suspensions of the ordinance to smaller steps like those that the City has already taken.

The attached expanded relaxation approach falls somewhere in between those, but is a very substantial relaxation. The highlights:

- 80 more square feet of temporary sign area—in addition to the 64 square feet already permitted. No limitation on number of signs, but no single sign can be bigger than 32 square feet.
- Can be ground pole or portable, but can't be attached to the ground.
- Can't be a sign prohibited by the ordinance (so, no flashing lights, etc.), with the exception that feather flags—which seem to be favored by businesses—are allowed, subject to the limitation of 1 per 50 feet of street frontage, per site, with maximum of 2 signs per street frontage.
- No application is needed, unlike the previous resolutions Council has passed.
- Expiration December 31, 2020.

The resolution has the usual disclaimers and limitations, including that it may be revoked or amended by the City.

RECOMMENDED ACTION: Approval of Resolution Regarding Additional Temporary Signage in Light of Covid-19 Pandemic.

CITY OF NOVI

COUNTY OF OAKLAND, MICHIGAN

**RESOLUTION REGARDING ADDITIONAL TEMPORARY SIGNAGE IN LIGHT OF COVID-19
PANDEMIC**

Minutes of a Meeting of the City Council of the City of Novi, County of Oakland, Michigan, held in the City Hall of said City on _____, _____, at ____ o'clock P.M. Prevailing Eastern Time.

PRESENT: Councilmembers _____

ABSENT: Councilmembers _____

The following preamble and Resolution were offered by Councilmember _____ and supported by Councilmember _____.

WHEREAS; on June 1, 2020 the City Council adopted a "Resolution Regarding Outdoor Gathering Authorization and Requirements For Reopening Certain Retail And Restaurant/Bar Businesses In Light of Covid-19 Pandemic," which effectively relaxed certain regulations for the operation of retail and restaurant/bar businesses in the City in light of the ongoing Covid-19 restrictions on occupancy and social distancing limitations; and

WHEREAS; the City Council had previously, on March 23, 2020 adopted a resolution allowing businesses one additional temporary sign under the temporary promotional signage provision of the City's sign ordinance, Section 28-6(g), which resolution was amended on June 1, 2020 to allow a second additional temporary sign; and

WHEREAS; the reasonable display of signs is necessary to the proper conduct of competitive commerce and industry, subject in turn to reasonable regulations to protect the safety and welfare of the public and the need to maintain an attractive appearance in the community; and

WHEREAS; at the same time, businesses in the City, particularly small businesses, are struggling to maintain visibility in the current emergency, and businesses that are re-opening now, after an extended period of closure or reduced operations might be

surrounded by closed businesses or might be hard to locate and therefore could require additional visibility. One way to address the issue is to allow for additional temporary signage at a business; and

WHEREAS; in addition to Section 28-6(g) of the sign ordinance, Council acknowledges that as of the date hereof it has in place a Local Declaration of a State of Emergency, effective March 23, 2020, that could be utilized, under the Emergency Management Act, MCL 30.401 *et seq*, to waive certain ordinance requirements; and

WHEREAS; the City Council also acknowledges that the City Code includes a general appeal and variance authority on behalf of the City Council with respect to matters that are not appealable to any other board or commission, as set forth in Section 1.12 of the City Code, where it can be shown that “a literal application of the substantive requirement would result in exceptional, practical difficulty,” and “where the variance will not be detrimental to the public health, safety or welfare, nor injurious to adjoining or neighboring property, nor contrary to the overall purpose and goals of the chapter or article containing the regulation in question”; and

WHEREAS; given the foregoing, and only as a result of the highly unusual conditions that affect the City and its businesses right now, it is reasonable to allow for increased temporary signage for commercial uses in the City for a limited period of time, after which such additional signage will no longer be appropriate or allowed.

NOW THEREFORE, IT IS THEREFORE RESOLVED:

1. City Council affirms its existing sign ordinance regulations as reasonable and appropriate in furtherance of the public health, safety, and welfare of the City, its residents, and businesses, which remain in full force and effect except as specifically affected by this Resolution.

2. City Council finds, however, that the 2020 COVID-19 pandemic represents an unusual and unprecedented event that has caused an interruption in the typical operation of businesses within the City, and particularly the operation of retail businesses and restaurants/bars in the City that rely upon visitors and in-person customers.

3. City Council finds that a temporary relaxation of certain regulations with respect to temporary signage is an appropriate response to these current unprecedented conditions within the City, state, and country, and further finds that such temporary relaxation, if properly administered, will not adversely affect the public health, safety, and welfare and will in fact benefit both the businesses and the members of the public affected given COVID-19's wide-ranging effects.

4. City Council therefore determines to allow certain additional temporary signage as follows:

- A. Up to an 80 square feet of total additional temporary sign area per business is hereby authorized, subject to the limitations herein. This

additional signage area is in addition to the 64 square feet of Temporary sign area that is already authorized by Section 28-6 of the Novi City Code for non-residential districts. While there is a limit on the total additional sign area allowed, there is no limitation on the number of signs allowed.

- B. Temporary sign allowed hereunder may be ground pole or portable signs, or any other sign type not prohibited by Section 28-10 of the City Code; notwithstanding this limitation, feather flags shall be allowed, subject to the limitation of 1 per 50 feet of street frontage, per site, with maximum of 2 signs per street frontage.
- C. A single temporary sign shall not exceed 32 square feet (e.g., 48" X 96") in area.
- D. Signs shall not be placed on public property or in the public road right-of-way or any roadway easement.
- E. Signs shall not interfere with vehicle sight distance or obstruct the accessible path of travel along a pedestrian sidewalk or pathway, whether public or private.
- F. The additional signs authorized hereunder shall be permitted from Monday, June 1, 2020, through Thursday, December 31, 2020. The signs shall be removed immediately upon the expiration of this approval.
- G. There shall be no application required for such additional signage, and no fees related thereto
- H. The City Council reserves the right to revoke or amend this Resolution at any time, or to modify, shorten, or lengthen the term of this Resolution as the Council determines is appropriate under the circumstances.
- I. Violation of the requirements of this Resolution shall be considered and processed as a violation of the City Code.

AYES:

NAYS:

RESOLUTION DECLARED ADOPTED.

Cortney Hanson, City Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Novi, County of Oakland, and State of Michigan, at a regular meeting held this _____ day of _____, 2020, and that public notice of said meeting was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, and that the minutes of said meeting have been kept and made available to the public as required by said Act.

Cortney Hanson, City Clerk
City of Novi