



**CITY OF NOVI CITY COUNCIL**  
**JULY 6, 2020**

**SUBJECT:** Approve amendment to the resolution temporarily authorizing outdoor gatherings to include outdoor (drive in) theater activities at existing movie theaters.

**SUBMITTING DEPARTMENT:** City Manager

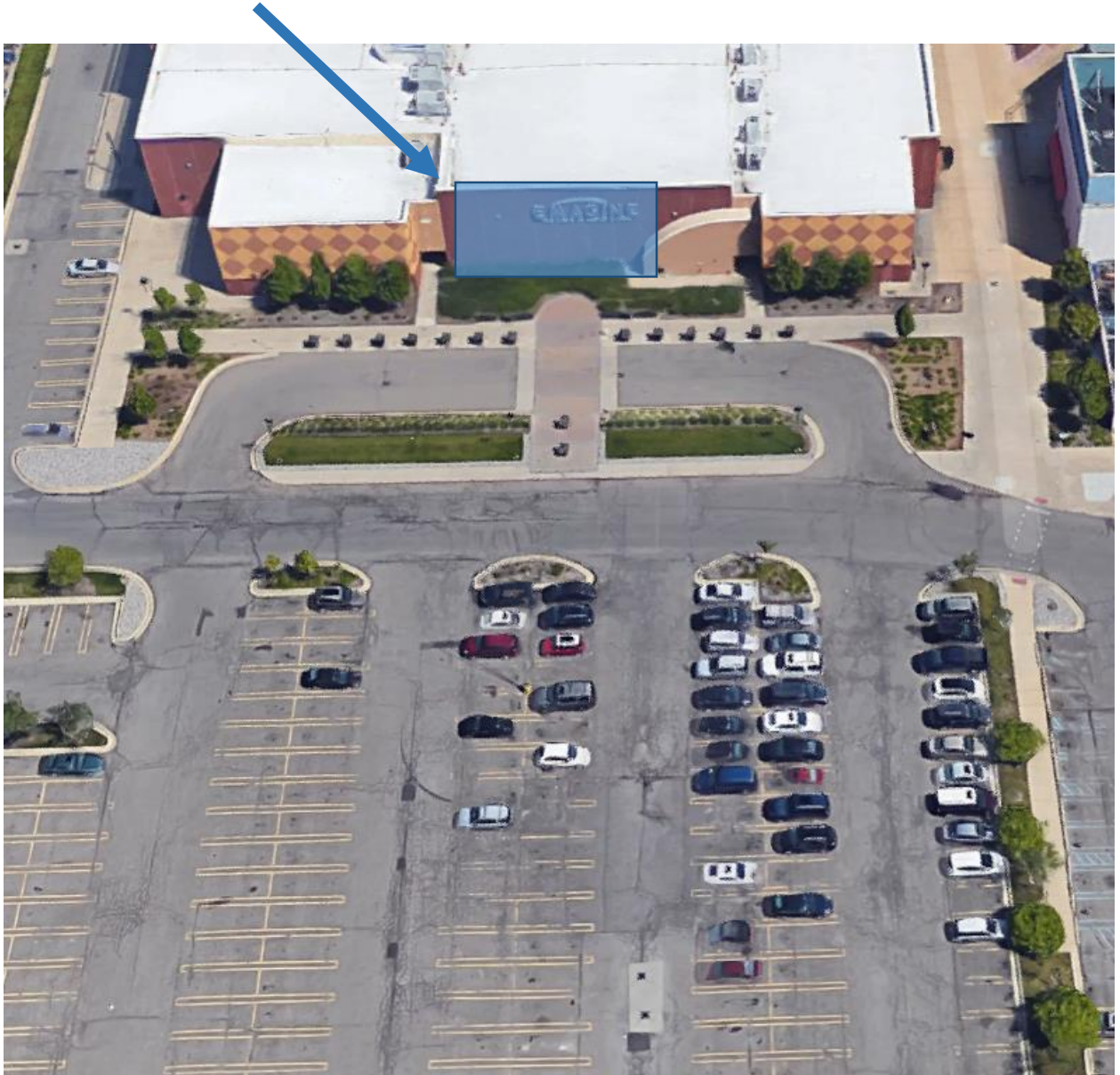
**BACKGROUND INFORMATION:** At the June 1, 2020 meeting, City Council approved a resolution that relaxed regulations to assist in facilitating expanded outdoor seating and sales for certain retail and restaurant/bar businesses. The goal of this resolution, and others recently passed by City Council, is to provide additional support to establishments that were closed or severely limited by the Governor's Executive Orders in order to reduce the spread of COVID-19.

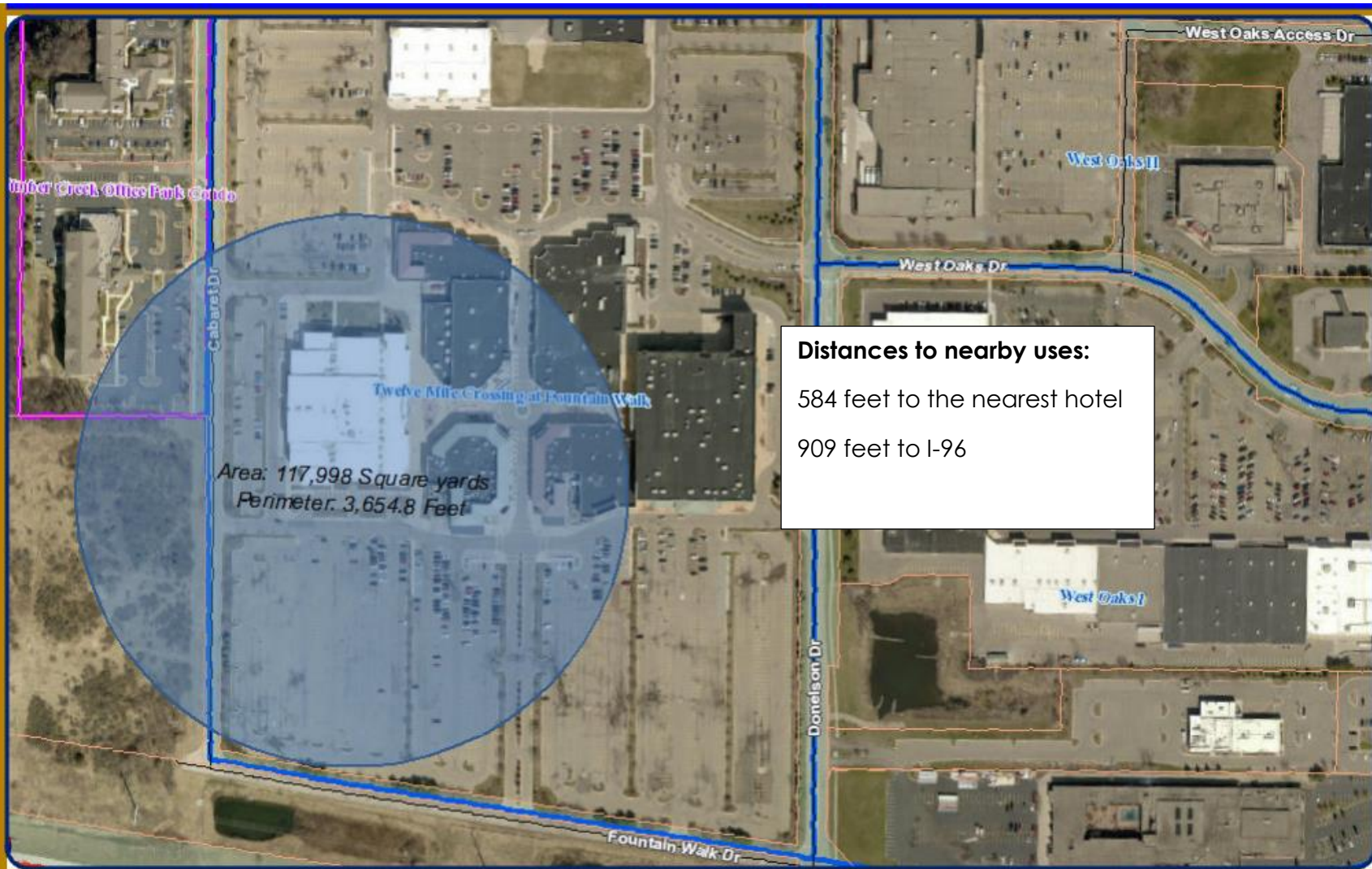
Order 2020-9, signed on March 16, 2020, closed businesses that were the most likely to see more significant concentrations of patrons; bars, casinos, and theaters. Since the stay at home order was lifted, some of these establishments have been permitted to open; however, theaters remain closed to indoor activities. We've seen the news from around the country about innovative ways to provide entertainment to individuals that also promotes proper social distancing; drive-in concerts, comedy shows, and movies are typical. Paul Glantz, the owner of Novi's only movie theater, Emagine Theater, is looking to offer the same opportunity.

The accompanying resolution amends the previously-approved resolution that authorized expanded seating areas and outdoor commerce for Novi businesses. Emagine will erect one screen on its southern wall of the building. Movies will be shown seven (7) days a week, with one film being shown a night, with the possibility of double features being shown during the weekend. Movies will typically end close to 12 a.m. All movies shown will carry a rating of G, PG, or PG-13. The resolutions permit this activity until the end of October of 2020.

**RECOMMENDED ACTION:** Approve amendment to the resolution temporarily authorizing outdoor gatherings to included outdoor theater activities at existing moving theaters, subject to the conditions and limitations of the initial resolution.

# Emagine Outdoor Screen Location





**Distances to nearby uses:**  
 584 feet to the nearest hotel  
 909 feet to I-96

**MAP INTERPRETATION NOTICE**  
 Map information depicted is not intended to replace or substitute for any other or primary source. The map was prepared to meet National Map Accuracy Standards and is the most recent accurate version available to the people of the City of Novi. Boundary measurements and area calculations are approximate and should not be construed as survey measurements performed by a Licensed Michigan Surveyor as defined in Michigan Public Act 231 of 1978 as amended. Please contact the City GIS Manager to confirm source and accuracy information related to this map.



Map Print Date:  
7/2/2020



**City of Novi**  
 45175 Ten Mile Rd  
 Novi, MI 48375  
 cityofnovi.org

**CITY OF NOVI**  
**COUNTY OF OAKLAND, MICHIGAN**

**RESOLUTION AMENDING OUTDOOR GATHERING AUTHORIZATION TO INCLUDE OUTDOOR  
(DRIVE IN) THEATER ACTIVITIES AT EXISTING MOVIE THEATERS**

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. Prevaling 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 Novi City Council adopted a resolution entitled "Resolution Regarding Outdoor Gathering Authorization and Requirements for Reopening Certain Retail and Restaurant/Bar Businesses in Light of Covid-19 Pandemic" (Temporary Outdoor Gathering Resolution); and

**WHEREAS;** the purpose behind the Temporary Outdoor Gathering Resolution was to utilize the provisions of the City's Outdoor Gathering Ordinance to authorize the extension of certain permitted uses into outdoor spaces not otherwise allowed to be used, because of—and only because of—the occupancy limitations and social distancing requirements necessary to respond to the COVID-19 pandemic, and for no other purpose or duration; and

**WHEREAS;** the Temporary Outdoor Gathering Resolution as approved was primarily aimed at restaurants and retail businesses that could easily accommodate outdoor expansion for sales and service as a result of being permitted to re-open under the Governor's Safe Opening Plan; and

**WHEREAS;** under Executive Order 110, indoor theaters (including movie theaters) are specifically called out as being closed to the public, with no specified end date for such closure; and

**WHEREAS;** movie theaters may be in a unique position to be able to show movies outdoors, in the traditional “drive in” manner by virtue of their access to movies, parking areas, and building facades; and

**WHEREAS;** as a temporary relief from the COVID-based restrictions on the operation of indoor movie theaters, the City Council finds that it is appropriate to consider allowing existing movie theaters who have invested in and established such uses in the City to utilize their building for the showing of movies outdoors, in “drive in” theater style, using parking areas currently intended for patrons of the theater.

**WHEREAS;** all of the findings by the City Council in connection with Temporary Outdoor Gathering Resolution, and all of the limitations thereon, including as to such uses being temporary and subject to revocation by the City Council shall apply to the use authorized herein.

**NOW THEREFORE, IT IS THEREFORE RESOLVED:**

1. City Council hereby amends Temporary Outdoor Gathering Resolution to include existing indoor movie theaters, who are hereby authorized to submit an application for an outdoor gathering permit as provided in Temporary Outdoor Gathering Resolution, which shall be subject to the same review and approval procedures established in Temporary Outdoor Gathering Resolution.

2. Additional regulations regarding outdoor theater/drive in movie use include the following:

- a. No alcohol service, by the theater or others, shall be permitted in connection with the use.
- b. Food service, if any, shall comply with all regulations of the Oakland County Health Department.
- c. The Community Development Director may issue additional rules regarding the siting, layout, and operation of the use. Compliance with such rules, as and when adopted, shall be required.
- d. The use shall not violate any applicable standards or rules of the Michigan Department of Transportation (MDOT).
- e. Because of the visibility of the movies from adjacent properties, the movies shown may only be G, PG, or PG-13 rated.
- f. All City noise and lighting regulations shall be complied with at all times.
- g. Because of the possibility of interference with the use of adjacent properties, the City reserves the right to revoke this approval at any time, for any reason.

3. Violation of the requirements of this Resolution and/or any permit authorized hereunder shall be considered and processed as a violation of the City Code and may result in revocation of the Permit granted hereunder.

**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 July, 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