

ORDINANCE NO.: 2013-100

Granting an encroachment to 925 G, LLC for installation and maintenance of two (2) doors and four (4) planters within the right of way area adjacent to 923 Gervais Street and 925 Gervais Street, Richland County TMS #09013-11-17

ORIGINAL
STAMPED IN RED

WHEREAS, 925 G, LLC, (hereinafter "Grantees") desires to utilize a portion of the right of way area of the 900 block of Gervais Street adjacent to 923 Gervais and 925 Gervais Street, Richland County TMS #09013-11-17, for installation and maintenance of two (2) glass and aluminum doors to swing out over the sidewalk approximately three (3') feet, and four (4) concrete planters approximately twenty (20") inches square, as shown on the attached drawings; and,

WHEREAS, it appears that the encroachment will not interfere with the use of the sidewalk or street for traffic, utility locations or other uses within the foreseeable future; NOW, THEREFORE,

BE IT ORDAINED by the Mayor and City Council of the City of Columbia, South Carolina, this 1st day of October, 2013, that Grantee, their successors and assigns are hereby granted the right to utilize a portion of the right of way area of the 900 block of Gervais Street adjacent to 923 Gervais and 925 Gervais Street, Richland County TMS #09013-11-17, for installation and maintenance of two (2) glass and aluminum doors to swing out over the sidewalk approximately three (3') feet, and four (4) concrete planters approximately twenty (20") inches square, as shown on the attached drawings.

ALL WORK SHALL COMPLY with the requirements of The City of Columbia and South Carolina Department of Transportation now in existence or hereafter enacted. The materials and type of finish to be used are to be approved by the City Engineer prior to installation. Any damage to the street or sidewalk caused by construction shall be repaired to the satisfaction of the City Manager. Improvements within the encroachment shall be maintained by the grantee at no cost to the City in a manner approved by the City Manager.

PROVIDED, HOWEVER, that in exercising the privileges granted under this ordinance, Grantee, his successors and assigns, will indemnify and save harmless the City from any and all claims or causes of action which may arise by reason of the construction or maintenance of the aforesaid encroachment.

PROVIDED FURTHER that the privilege granted hereby is subject to the Grantee complying with the following conditions, restrictions or limitations:

1. No item, including landscaping, shall be placed, planted or allowed to grow such that it creates a visual impediment to persons safely entering or exiting the driveway or to persons safely walking along the sidewalk. The City reserves the right to remove or cut any item located within the right of way which it deems to be a safety hazard.
2. Grantee is responsible for all maintenance and assuring that all accessibility and ADA requirements are met and maintained.
3. Irrigation and watering must be designed to avoid spraying walkways, sidewalks and streets and/or creating hazardous conditions upon the walkways, sidewalks and streets.
4. Obstructions of more than be four (4') feet in height are prohibited within the sight-visibility triangle.
5. Forestry and Beautification shall be provided access to trees within the right of way for maintenance purposes.
6. All trees shall be protected and no large tree roots shall be removed from any existing trees.
7. Planters must be approved by the Building Official.
8. Easternmost planter to be installed such that the Fire Department Connection is not impeded.

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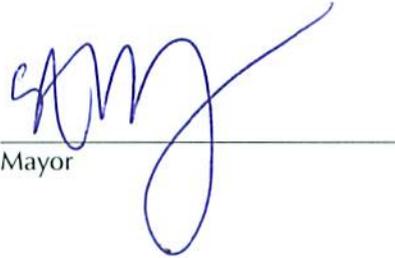
PROVIDED FURTHER that the privilege granted hereby may be modified or terminated by Columbia City Council at any time without notice to the Grantee, his successors and assigns.

PROVIDED FURTHER that a certificate of insurance be issued as evidence of general liability insurance with at least the minimum amount of \$600,000.00 for personal injury and property damage and naming the City as an insured, be provided to and filed annually with the City Clerk by Grantee, his successors and assigns, as required by Chapter 11, Licenses, Permits, Business Regulations, Article III, Contractors, Sec. 11-71, 1998 Code of Ordinances of the City of Columbia, South Carolina.

BE IT FURTHER ORDAINED that Grantee, in consideration of the above privilege, shall at his expense provide for protection and relocation of all utilities that might be within this area to the satisfaction of the City Manager.

Requested by:

925 G, LLC



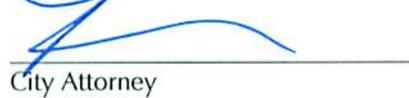
Mayor

Approved by:



City Manager

Approved as to form:



City Attorney

ATTEST:


City Clerk

Introduced: 9/17/2013
Final Reading: 10/1/2013

**CITY COUNCIL
ENCROACHMENT SUMMARY
2013-100**



**923 AND 925 GERVAIS STREET
NONNAH'S
INGRESS/EGRESS DOORS AND PLANTERS**

Subject Property:	923 and 925 Gervais Street
Council District:	2
Proposal:	Request approval to install an ingress/egress doors and planters, as shown on the attached drawing.
Applicant:	Margaret E. Groff, Nonnah's
Staff Recommendation:	Approve
Conditions:	Recommend approval.

Detail:	<p>The applicant is requesting an encroachment for the installation and maintenance of a three (3) ingress/egress doors and four (4) planters within the right of way area adjacent to 923 and 925 Gervais Street.</p> <p>The applicant has worked with staff regarding this request and understands that a Certificate of Design Approval (CDA) from Design/Development Review Staff is required for the doors and planter.</p> <p>Conditions of the proposed encroachment are as follows:</p> <ol style="list-style-type: none"> 1. No item, including landscaping, shall be placed, planted or allowed to grow such that it creates a visual impediment to persons safely entering or exiting the driveway or to persons safely walking along the sidewalk. The City reserves the right to remove or cut any item located within the right of way which it deems to be a safety hazard. 2. Grantee is responsible for all maintenance and assuring that all accessibility and ADA requirements are met and maintained. 3. Irrigation and watering must be designed to avoid spraying walkways, sidewalks and streets and/or creating hazardous conditions upon the walkways, sidewalks and streets. 4. Obstructions of more than be four (4') feet in height are prohibited within the sight-visibility triangle. 5. Forestry and Beautification shall be provided access to trees within the right of way for maintenance purposes. 6. All trees shall be protected and no large tree roots shall be removed from any existing trees. 7. Planters must be approved by the Building Official. 8. Easternmost planter to be installed such that the Fire Department Connection is not impeded.
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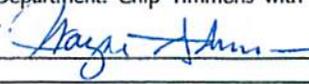
CITY AGENCY COMMENTS FOR ENCROACHMENT	
Planning & Development	Recommend Approval.

Streets	Recommend Approval.
Utilities & Engineering	Recommend Approval.
Traffic Engineering	Recommend Approval.
Fire Department	Recommend Approval.
Forestry	Recommend Approval.
Land Development	Recommend Approval.

REQUEST FOR AN ENCROACHMENT ORDINANCE

For a continuing encroachment on any type of property in which the City has an interest (i.e., rights of way, tree zone, sidewalk, streets), the person or entity is required to have an encroachment ordinance enacted by City Council permitting the encroachment. Encroachment ordinances are required for but not limited to: irrigation systems; landscaping; fencing; walls; pavers; walkways; outdoor dining items (chairs, tables, umbrellas, etc.); awnings; bollards and directional signs (i.e., churches) *Business signs are NOT permitted via an encroachment. An encroachment must comply with all existing City codes, rules and regulations, the Americans with Disabilities Act, if applicable, and is subject to review and approval by City staff. Enactment of the encroachment ordinance by a majority vote of City Council, which is a discretionary legislative act, is also required. In order to obtain an encroachment ordinance from the City of Columbia, it will be necessary for the City of Columbia to be named as an additional insured on your homeowners' policy with limits being increased to \$600,000 as required by Sec. 11-71. It is recommended that you contact your insurance provider to determine if it will name the City of Columbia as an additional insured prior to submitting your request for an encroachment ordinance. If you have any questions concerning these requirements, please contact Chip Timmons with Risk Management.*

Please complete and submit this form along with any attachment(s) to Shari Ardis by e-mail at slardis@columbiasc.net ; fax at 803-737-4250; or mail to Shari Ardis, Legal Department, POB 147 Columbia, SC 29217, for preparation of an encroachment ordinance. Copies to City departments should be directed to the contact person for that department as shown below and not through the Legal Department. Chip Timmons with Risk Management (733-8306 or catimmons@columbiasc.net) should be contacted regarding the insurance requirements.

Date: 7/ /2013 Property Owner: Wayne Adams/ 925 G, LLC 
 Applicant's Name if different from Property Owner: Margaret E. Groff (Nonnah's)
 Contact Information: Telephone Number: 803-779-9599 Fax Number: 803-779-9761
 Mailing address: 930 Gervais St. Columbia, SC 29201 E-mail address: Nonnahsqse@aol.com
 Encroachment Location (Address): 925 & 923 Gervais St. Columbia, SC
 (If corner lot, include name and block number of side street, i.e., 1737 Main Street and 1100 block of Laurel Street)
 Tax Map Number for Encroachment Location: R09013-11-17

Encroachment type: Wall Fence Columns Steps Irrigation System Landscaping Driveway Pavers
 Walkway/Side walk Underground Utilities other
 If Other - specify: 2 door to swing out over sidewalk and 4 planters to alert pedestrians
 Dimensions (height/width/length): doors: 3' outswing; Planters: 20" square

(i.e., 6'x42' wooden privacy fence; two 12"x4' concrete step; two 12"x12" x24" brick columns; 4x15' brick paver walkway)
 Construction material: Doors: alum/glass to match existing. Planters: Concrete
 Please provide photographs and drawing or site plan *drawn to scale* - no larger than 8-1/2 x 11.

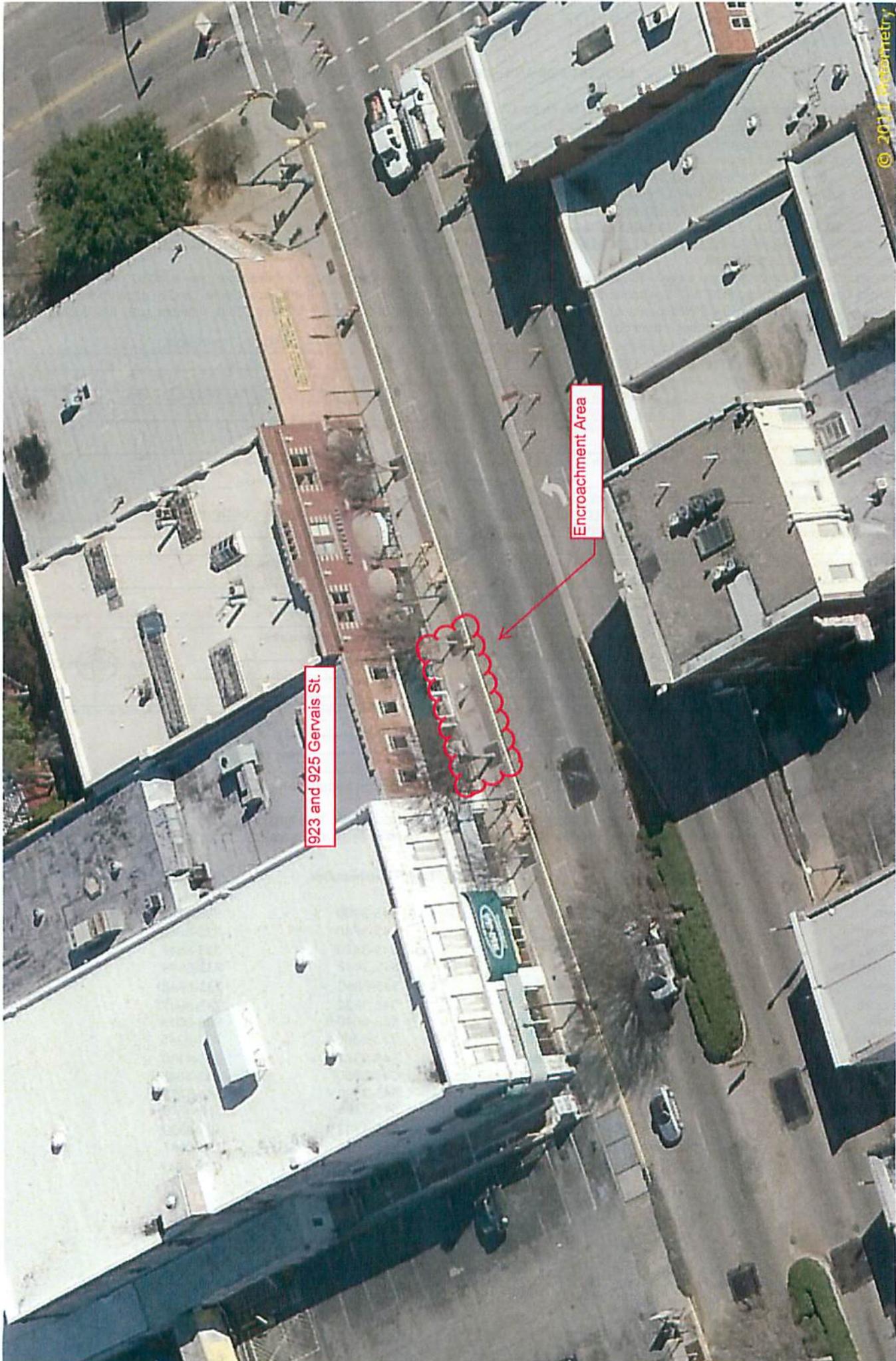
Church Directional Signs (Must provide picture or drawing of proposed signs that reflect dimensions)
 Location(s) signs are to be placed (i.e. Northeast corner of Main Street) _____



Businesses only: Outdoor dining No. of chairs: _____ No. of Tables _____
 Hours of operation for outdoor dining: _____
 Number of planters: _____ Awning: _____ (dimensions - size/material) _____
 Other: _____ (or complete applicable "Encroachment type" section above)

The proposed ordinance will be sent to the requesting party and City offices for review and approval. Krista Hampton will compile the recommendations and forward them to the City Clerk for scheduling before City Council. This process may take from 30-90 days.

Contact	Department	Telephone Number	Fax Number
Joey Jaco	Utilities & Engineering	545-3400	988-8199
Missy Gentry	Public Works	545-3780	733-8648
Krista Hampton	Planning and Development Services	545-3420	733-8647
Jerry Thompson	Building Official	545-3442	733-8699
Sara Hollar	Forestry & Beautification	545-3860	733-8648
Amy Moore	Historic Preservation	545-3222	733-8647
Fred Delk	Columbia Dev. Corporation	988-8040	988-8039
Chip Timmons	Risk Management	733-8306	733-8245
Dana Higgins	Construction Management	545-3372	545-4130
David Brewer	Traffic Engineering	545-3850	733-8648
Robert Sweatt	Street Division	545-3790	545-3785
Jonathan Chambers	Planning and Development Services	545-3206	343-8779
Carmen Floyd	Fire Marshall	545-3703	401-8839
Nancy Lee Trihey	Planning and Development Services	545-3218	733-8647
John Fellows	Planning and Development Services	545-3222	733-8647



923 and 925 Gervais St.

Encroachment Area



923 925

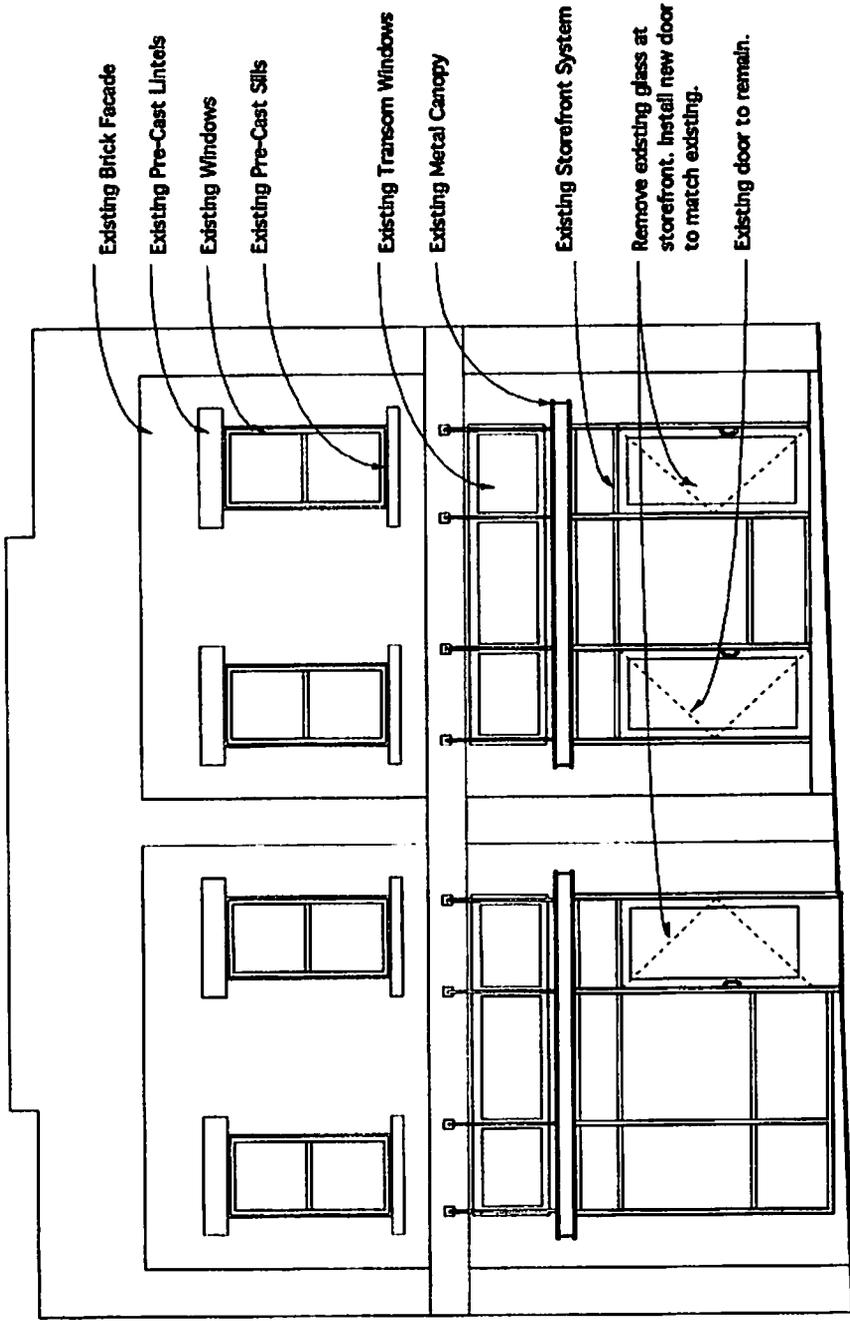
FRESH ROASTED COFFEE
ITALIAN ICE CREAM

Garden
Bistro

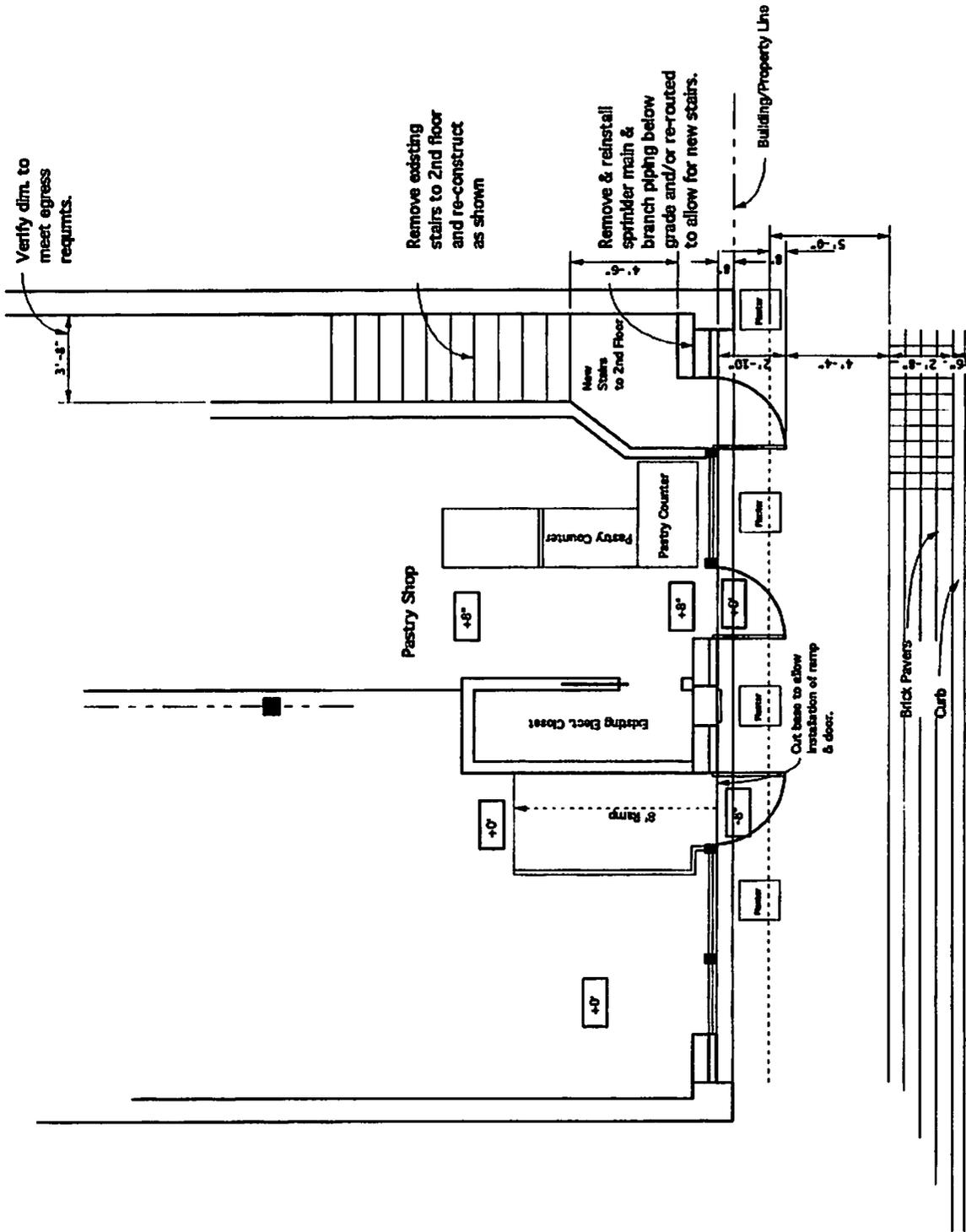
The Pass
Company

888-787-9789





1 Storefront Elevation - 925 Gervais St.
 1/4" = 1'-0" 7/24/13



2 Storefront Plan - 925 Gervais St.
 1/4" = 1'-0" 7/24/13

From: [Chambers, Johnathan](#)
To: ["Michael Haigler"](#)
Cc: [Thompson, Jerry](#)
Subject: RE: Check out http://little-baja.com/images/79-334_Square_25in_Roll_Rim.jpg
Date: Thursday, September 05, 2013 5:07:21 PM

Michael,

This is to confirm that our Building Official, Jerry Thompson has approved the planters that you suggested. JC



From: Michael Haigler [mailto:mhaigler@earthlink.net]
Sent: Tuesday, September 03, 2013 11:05 AM
To: Chambers, Johnathan
Subject: FW: Check out http://little-baja.com/images/79-334_Square_25in_Roll_Rim.jpg

Johnathan,

Please see attached the concrete planters that Nonnahs' has selected. I presume this will meet the Bldg Official's requirements and allow us to move to City Council. Note that the Tenant indicates that these will be 26" square and concrete.

Thanks for your help and advice.

Michael Haigler, Architect
"Ordinary Becomes Extraordinary"
(803) 772-5261
www.michaelhaigler.com

-----Original Message-----

ORDINANCE NO.: 2013-095

Amending Code of Ordinances of the City of Columbia, South Carolina, Chapter 5, Buildings and Building Regulations, Article II, Building and Technical Codes, Division 7, Property Maintenance Code, Sec. 5-151, Adoption; conflicting provisions

BE IT ORDAINED by the Mayor and Council this 1st day of October, 2013, that the Code of Ordinances of the City of Columbia, South Carolina, Chapter 5, Buildings and Building Regulations, Article II, Building and Technical Codes, Division 7, Property Maintenance Code, Sec. 5-151, Adoption; conflicting provisions, is amended as follows:

Sec. 5-151. Adoption; conflicting provisions.

(a) There is hereby adopted by and for the city the International Property Maintenance Code 2012 edition as published by the International Code Council Inc., which code is published separately in book form and is adopted by reference as though copied fully in this section. Specifically excluded from the adoption of the Property Maintenance Code is Section 103, and its subsections (enumerated as 103.1 103.2, 103.3, 103.4 and 103.5). Any other provision not specifically excluded above which concerns the qualification, removal, dismissal and duties of the building official or any other city official or employee are deemed excluded from this section. A file of record of this code is in the offices of the city clerk and building official.

(b) Section 111.1 of the 2012 International Property Maintenance Code is amended to read as follows:

111.1 Application for appeal. Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intention of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means, or that the strict application of any requirement of this code would cause an undue hardship.

(c) Section 302.4 of the 2012 International Property Maintenance Code is amended to read as follows:

302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of one foot on the average. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

(d) Section 304.14 of the 2012 International Property Maintenance Code is amended to read as follows:

304.14 Insect Screens. During the period from January 1st to December 31st, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be

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supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

(e) In the event of any conflict between the provisions of the code adopted by this section and state law or city ordinances, rules or regulations, then the code adopted by this section shall prevail and be controlling unless the code is specifically amended by state law which shall prevail and be controlling.

This Ordinance shall become effective upon second reading.

Requested by:

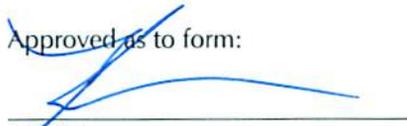
Krista Hampton, Director of Planning & Development Services


MAYOR

Approved by:


City Manager

Approved as to form:


City Attorney

ATTEST:


City Clerk

Introduced: 9/17/2013
Final Reading: 10/1/2013