

**ORDINANCE NO.: 2015-071**

*Granting an encroachment to The Columbia Film Society for installation and maintenance of an egress door and placement and maintenance of two commercial grade pottery or metal planters within the sidewalk right of way area adjacent to The Nickelodeon Theater 1607 Main Street, Richland County TMS #09014-10-15*

WHEREAS, The Columbia Film Society (hereinafter "Grantees") desires to utilize a portion of the sidewalk right of way area adjacent to The Nickelodeon Theater located at 1607 Main Street, Richland County TMS #09089-02-01 for installation and maintenance of an egress door and two commercial grade pottery or metal planters approximately thirty (30") inches in height and eighteen (18") inches in diameter, as shown on the attached drawing; 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 September, 2015, that Grantee, its successors and assigns is hereby granted the right to utilize a portion of the sidewalk right of way area adjacent to The Nickelodeon Theater located at 1607 Main Street, Richland County TMS #09089-02-01 for installation and maintenance of an egress door and two commercial grade pottery or metal planters approximately thirty (30") inches in height and eighteen (18") inches in diameter, as shown on the attached drawing.

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. Door and planters are to be maintained by property owner.
3. Obstructions of more than be four (4') feet in height are prohibited within the sight-visibility triangle.
4. Business advertising of any type on the planters is prohibited.

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STAMPED IN RED

5. Grantee is responsible for all maintenance and assuring that all accessibility and ADA requirements are met and maintained.

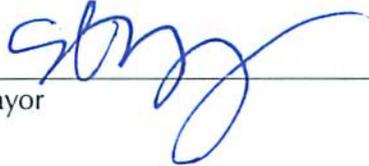
PROVIDED FURTHER that the privilege granted hereby may be modified or terminated by Columbia City Council at any time without notice to the Grantee, his successors and assigns.

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:

Assistant City Manager Gentry

  
\_\_\_\_\_  
Mayor

Approved by:

  
\_\_\_\_\_  
City Manager

Approved as to form:

  
\_\_\_\_\_  
City Attorney

ATTEST:  
  
\_\_\_\_\_  
City Clerk

Introduced: 8/18/2015

Final Reading: 9/1/2015

**CITY COUNCIL  
ENCROACHMENT SUMMARY  
2015-071**



**1600 BLOCK OF MAIN STREET  
ADJACNET TO 1607 MAIN STREET  
NICKELODEON THEATRE  
DOOR AND PLANTERS**

<b>Subject Property:</b>	1607 Main Street
<b>Council District:</b>	2
<b>Proposal:</b>	Request approval to install planters, as shown on the attached drawing.
<b>Applicant:</b>	Columbia Film Society
<b>Staff Recommendation:</b>	Approve
<b>Conditions:</b>	Recommend approval.

<b>Detail:</b>	<p>The applicant is requesting an encroachment for the installation and maintenance of an egress door and two commercial grade pottery or metal planters approximately thirty (30") inches in height and eighteen (18") inches in diameter within the right of way area adjacent to 1607 Main Street, as shown on the attached drawings.</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"> <li>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.</li> <li>2. Door and planters are to be maintained by property owner.</li> <li>3. Obstructions of more than be four (4') feet in height are prohibited within the sight visibility triangle.</li> <li>4. Business advertising of any type on the planters is prohibited.</li> <li>5. Grantee is responsible for all maintenance and assuring that all accessibility and ADA requirements are met and maintained.</li> </ol>
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**CITY AGENCY COMMENTS FOR ENCROACHMENT**

<b>Planning &amp; Development</b>	Recommend Approval.
<b>Streets</b>	Recommend Approval.
<b>Utilities &amp; Engineering</b>	Recommend Approval.
<b>Traffic Engineering</b>	Recommend Approval.
<b>Fire Department</b>	Recommend Approval.
<b>Forestry</b>	Recommend Approval.
<b>Land Development</b>	Recommend Approval.

**REQUEST FOR A PERMANENT COMMERCIAL ENCROACHMENT ORDINANCE  
(INCLUDING OUTDOOR DINING/LANDSCAPING/STUDENT HOUSING)**

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. Encroachments must comply with all existing City codes, rules and regulations, the Americans with Disabilities Act, if applicable, and are 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 insurance 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, (803) 733-8306 or catimmons@columbiasc.net.

Please complete and submit this form along with photographs and drawings or site plan drawn to scale (including a 8-1/2 x11) to Johnathan Chambers by e-mail at jechambers@columbiasc.net; fax at 803-343-8779; or mail to Johnathan Chambers, Development Services, 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.

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. Property owned, operated and maintained by SCDOT shall comply with SCDOT encroachment requirements.

Date: April 15, 2015 Property Owner: Columbia Film Society  
 Applicant's Name if different from Property Owner: The Nickelodeon Theatre  
 Contact Information: Telephone Number: Andy Smith Fax Number: \_\_\_\_\_  
 Mailing address: P.O. Box 7063, Columbia, SC 29202 E-mail address: andy@nickelodeon.org

Business Name/Development Name for Encroachment: \_\_\_\_\_  
 Encroachment type:  Wall  Fence  Columns  Steps  Irrigation System  Landscaping  Driveway  Pavers  Sidewalk/Walkway  
 Planters  Awning  Underground Utilities  Other: \_\_\_\_\_

Dimensions (height/width/length): Approximately 18" in diameter by 30" tall. Height of plantings in the (i.e. 6x42' wooden privacy fence; planter would be in addition to the approximate 30" height. two 12'x4'x3' concrete steps)

Construction material: The planters will be of commercial grade materials made from pottery or metal.

*OUTDOOR DINING: The Fire Marshal's posted capacity allowed within the business at the time of enactment of the outdoor dining encroachment ordinance shall include the total number of patron seating approved for the outdoor dining encroachment area, if not already included in the posted capacity allowance, so that patrons relocating from inside to the outside or from outside to the inside do not cause the posted capacity to be exceeded.*

Hours/days of operation for outdoor dining: \_\_\_\_\_  
 Posted Maximum Capacity Allowance (inside/outside combined): \_\_\_\_\_ No. of chairs outdoors: \_\_\_\_\_ No. of Tables Outdoors: \_\_\_\_\_  
 Do you serve:  Wine  Beer  Liquor SCDOR ABL No.: \_\_\_\_\_ If not, do you intend to apply for an ABL license? \_\_\_\_\_

I acknowledge that the adjoining property owners and businesses have been contacted and approve the addition of outdoor dining at this location to include the service of beer, wine and/or liquor if applicable during the business hours noted above, and that any changes made to the business hours, use of the encroachment area or items allowed within the encroachment area will require an amendment to the encroachment ordinance.

Name/Title: \_\_\_\_\_  
 Date: \_\_\_\_\_

I acknowledge that any changes made to the business, hours, use of the encroachment area, or items allowed within the encroachment area, to include obtaining a license to sell beer, wine and/or liquor will require an amendment to the encroachment ordinance.

Name/Title: \_\_\_\_\_  
 Date: \_\_\_\_\_

The proposed ordinance will be sent to the requesting party and City offices for review and approval. Johnathan Chambers 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	PHONE	FAX	E-MAIL
Johnathan Chambers	Development Services (Land Development)	803-545-3333	803-343-8779	jechambers@columbiasc.net
John Fellows	Development Services (Planning)	803-545-3222	803-733-8647	jsfellows@columbiasc.net
Brian Cook	Development Services (Zoning)	803-545-3332	803-733-8647	kbcook@columbiasc.net
Jerry Thompson	Development Services (Building Inspections)	803-545-3420	803-733-8699	jthompson@columbiasc.net
Fanessa Pinckney	Development Services (Permits)	803-545-3420	803-733-8699	fcpinckney@columbiasc.net
Amy Moore	Development Services (Historic Preservation)	803-545-3222	803-733-8647	aemoore@columbiasc.net
Robert Harkins	Development Services (Plans Review)	803-545-3420	803-733-8647	rharkins@columbiasc.net
Denny Daniels	Utilities & Engineering (Construction Management)	803-545-3400	803-988-8199	jddaniels@columbiasc.net
Robert Anderson	Public Works (Administration)	803-545-3780	803-733-8648	raanderson@columbiasc.net
Robert Sweet	Public Works (Street Division)	803-545-3790	803-545-3785	rgsweet@columbiasc.net
David Brewer	Public Works (Traffic Engineering)	803-545-3850	803-733-8648	ddbrewer@columbiasc.net
Sara Hollar	Public Works (Forestry & Beautification)	803-545-3860	803-733-8648	sehollar@columbiasc.net
John Hooks	Public Works (Solid Waste)	803-545-3800	803-733-8648	jphooks@columbiasc.net
Chip Timmons	Risk Management	803-733-8306	803-733-8245	catimmons@columbiasc.net
David Koon	Fire Department	803-545-3701	803-401-8839	cdkoon@columbiasc.net
John David Spade	Parking Services	803-545-3070	803-733-8523	spade@columbiasc.net





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AMY ME AND EARL AND THE DYING GIRL  
NICKELODEON

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803.834.4048 P  
803.834.4082 F  
WWW.1X1DESIGN.COM

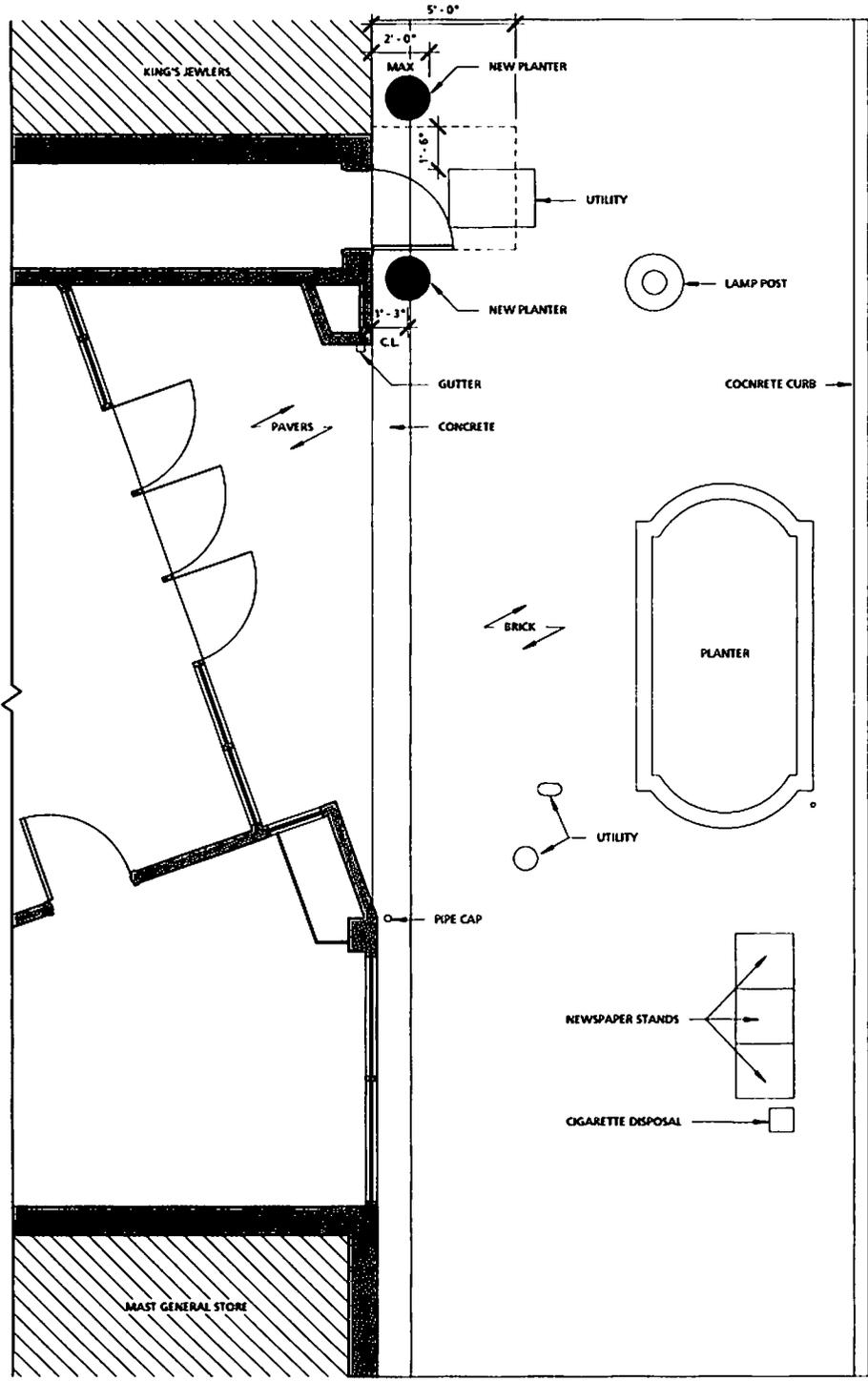
221 PICKENS STREET (29205)  
POST OFFICE BOX 5875  
COLUMBIA, SOUTH CAROLINA  
29250



05.21.15

NICKELODEON THEATER  
ENCROACHMENT PLAN

A2



① ENCROACHMENT SITE PLAN  
1/4" = 1'-0"