

**ORDINANCE NO.: 2013-043**

*Amending Ordinances 2012-090, 2011-045 and 83-99 to grant additional encroachments to Parkside Center, LLC for installation and maintenance of an egress door and handicap ramp within the 1100 block of Lady Street adjacent to 1301 Main Street*

ORIGINAL  
STAMPED IN RED

WHEREAS, Ordinance 83-99 dated December 7, 1983, granted Palmetto Trust Company, Inc. ("Grantee"), its successors and assigns, the right to encroach into the City's right of way area adjacent to the Governor's House Hotel at the 1300 block of Main Street and 1100 block of Lady Street for installation and maintenance of nine (9) steel and concrete columns/pilasters three (3') feet in width and projecting eight (8") inches into the northern right of way of the 1100 block of Lady Street; two (2) steel and concrete column/pilasters approximately five (5') feet in width and projecting eight (8") inches into the western right of way of the 1300 block of Main Street; a vinyl fabric entry canopy and metal frame approximately sixteen (16') feet in height and ten (10') feet in length and twenty (20') feet in width; and, concrete paving and curbs at sidewalk level extending seventy-two (72') feet in length and fourteen (14') feet in width along the northern right of way of the 1100 block of Lady Street as shown on a drawing of the Governor's House dated October 31, 1983; and,

WHEREAS, Ordinance No. 2011-045 dated October 18, 2011 granted the current owner, Parkside Center, LLC ("Grantee") the right to further utilize a portion of the rights of way area adjacent to its building at 1137 Lady Street and 1307 Main Street for the demolition, construction, installation and maintenance of two (2) columns/pilasters approximately three (3') feet in diameter and fifty-five (55') feet four (4") inches in height, extending approximately one (1') foot into the northern right of way of the 1100 block of Lady Street; a glass and steel cantilevered canopy approximately sixteen (16') feet in length and six (6') feet in width; a glass and steel canopy approximately eight (8') feet in length and four (4') feet in height; two in-grade planters approximately four (4') feet eight (8") inches in diameter with an eight (8") inch wide concrete control joint; a step/landing approximately five (5') feet in length and eighteen (18') feet four (4") inches in width; a handicap ramp approximately five (5') feet in length and four (4') feet in width; brick pavers to coordinate with existing pavers; the underground parking garage which currently encroaches under the sidewalk approximately six (6') in width and two hundred seven (207') feet in length; nine (9) tables not to exceed thirty-six (36") inches in diameter, nine (9) umbrellas, and thirty-six (36) chairs for outdoor dining by patrons during the restaurants normal business hours of 6:00 a.m. until 11:00 p.m., seven days a week, as shown on the attached drawing; and,

WHEREAS, Ordinance 2012-090 dated October 2, 2012 granted Parkside Center, LLC ("Grantee") the right to adjust the size and dimensions of the planters to two (2) raised square planters approximately six (6") inches in height five (5') feet eight (8") inches in length and eight (8") inches in width, as shown on the attached drawing; and,

WHEREAS, Grantee desires to further amend the encroachment ordinances heretofore granted to include installation and maintenance of an egress door and handicap ramp approximately four (4') feet in width and fourteen (14') feet in length within the right of way area of the 1100 block of Lady Street adjacent to its building located at 1301 Main Street and 1137 Lady Street; and,

WHEREAS, it appears that the additional encroachment will not interfere with the use of the 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 day 21st day of May, 2013, that ordinance 83-99, 2011-045 and 2012-090 are hereby amended to include installation and maintenance of an egress door and handicap ramp approximately four (4') feet in width and fourteen (14') feet in length within the right of way area of the 1100 block of Lady Street adjacent to its building located at 1301 Main Street and 1137 Lady Street, 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 caused by construction or maintenance shall be repaired to the satisfaction of the City Manager. Improvements constructed within the encroachment by or on behalf of Grantee 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, its 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.

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STAMPED IN RED

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

1. No item shall be placed that creates a visual impediment to persons safely entering or exiting the building, adjoining driveway or walking along the sidewalk. The City reserves the right to remove any item located within the right of way which it deems to be a safety hazard; and,
2. The tables, chairs and umbrellas shall be of durable material and weighted to withstand strong winds, and shall not impede or obstruct pedestrian movement and vehicle movement and parking. The tables, chairs and umbrellas shall be removed and stored inside the building when not in use; the outdoor dining area and general exterior of the building shall be kept clean and orderly at all times; other improvements, interference with pedestrian movement or the parking lane and disturbance of existing trees and roots shall be prohibited; and,
3. To prohibit the business from overcrowding, the posted capacity allowed within the business at the time of enactment of the encroachment ordinance shall include the total number of patron seating approved for the encroachment area, if not already included in the posted capacity allowable, so that patrons relocating from the inside of the business to the outside, or from the outside of the business to the inside shall not cause the posted capacity to be exceeded; and,
4. Use of the encroachment area for the tables, chairs and umbrellas is strictly limited to the serving of food and/or beverages to the patrons of the business during the normal business hours reflected in the encroachment ordinance at the time of enactment of the encroachment ordinance; and,
5. Any changes to the hours for use of the encroachment area, items allowed within the encroachment area or allowable patron capacity shall require an amendment to the encroachment ordinance; and,
6. Site furnishings shall be reviewed and approved by urban design staff and a certificate of Design Approval (CDA) shall be required per the City Center Design Guidelines; and,
7. In order to be in compliance with the Americans with Disabilities Act, all site furnishings, including umbrellas, shall not encroach into the five (5') foot wide and eight (8') foot tall accessible pedestrian zone; and,
8. Fire Department Connection shall not be obstructed; and,
9. Grantee shall provide for patrons a cigarette receptacle and trash receptacle, which shall be made of durable material and weighted to withstand strong winds.
10. Grantee is responsible for all maintenance and assuring that all accessibility and ADA requirements are met and maintained.

PROVIDED FURTHER that the encroachment rights granted by this ordinance for tables, chairs and umbrellas for outdoor dining by patrons are exclusive only to the Grantee. Should the Grantee cease restaurant business operations the encroachment rights granted by this ordinance for tables, chairs and umbrellas for outdoor dining by patrons shall terminate.

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

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

Requested by:

Parkside Center, LLC \_\_\_\_\_

  
MAYOR

Approved by:

  
City Manager

Approved as to form:

  
City Attorney

ATTEST:  
  
City Clerk

Introduced: 5/7/2013  
Final Reading: 5/21/2013

**CITY COUNCIL  
ENCROACHMENT SUMMARY  
2013-043**



**1100 BLOCK OF LADY STREET ADJACENT TO 1301 MAIN STREET  
PARKSIDE CENTER – THE PALMS  
EGRESS DOOR AND HANDICAP RAMP**

<b>Subject Property:</b>	1100 block Lady Street adjacent to 1301 Main Street
<b>Council District:</b>	2
<b>Proposal:</b>	Request approval to amend Ordinance No. 2012-90 to install an egress door and handicap ramp four (4') feet in width and fourteen (14') feet in length, as shown on the attached drawing.
<b>Applicant:</b>	Parkside Center, LLC
<b>Staff Recommendation:</b>	Approve subject to all previous conditions of Ordinance Numbers 83-99, 2011-045 and 2012-090
<b>Conditions:</b>	All previous conditions of Ordinance Numbers 83-99, 2011-045 and 2012-090

<b>Detail:</b>	<p>The applicant is requesting to amend previously granted encroachments for the installation and maintenance of an egress door and handicap ramp approximately four (4') feet in width and fourteen (14') feet in length within the right of way area of the 1100 block of Lady Street adjacent to its building located at 1301 Main Street and 1137 Lady 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 materials and possible screening of a gas meter.</p> <p>Conditions of the proposed encroachment are as follows:</p> <ol style="list-style-type: none"> <li>1. Certificate of Design Approval (CDA) from Design/Development Review staff required for the materials and possible screening of a gas meter.</li> </ol>
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<b>CITY AGENCY COMMENTS FOR ENCROACHMENT</b>	
<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.

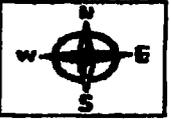
**REQUEST FOR AN ENCROACHMENT ORDINANCE**

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 homeowner's 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 [sardis@columbiasc.net](mailto:sardis@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 [ctimmons@columbiasc.net](mailto:ctimmons@columbiasc.net)) should be contacted regarding the insurance requirements.

Date: \_\_\_\_\_ Property Owner: BEN ARDIS  
 Applicant's Name if different from Property Owner: ARNOLD CONST. Co. (James E. Wright)  
 Contact Information: Telephone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_  
 Mailing address: 722 Lady St, Columbia, SC 29201 E-mail address: JWRIGHT@ARNOLDFAMILYCORP.COM  
 Encroachment Location (Address): 1301 MAIN ST (ON LADY ST SIDE) 1100 BLOCK OF LADY  
 (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: 09013-05-08  
 Encroachment type:  Wall  Fence  Columns  Steps  Irrigation System  Landscaping  Driveway  Pavers  
 Walkway/Sidewalk  Underground Utilities  Other \_\_\_\_\_  
 If Other - specify: Handicap Ramp  
 Dimensions (height/width/length): 4' wide x 14' long x 3'9" Tall RAIL  
 (i.e., 6x42 wooden privacy fence; two 12x4 concrete steps; two 12x12x24 brick columns; 4x15' brick paver walkway)  
 Construction materials: Handicap Ramp / Steel RAIL  
 Please provide photographs and drawing or site plan drawn to scale - no larger than 8-1/2 x 11.

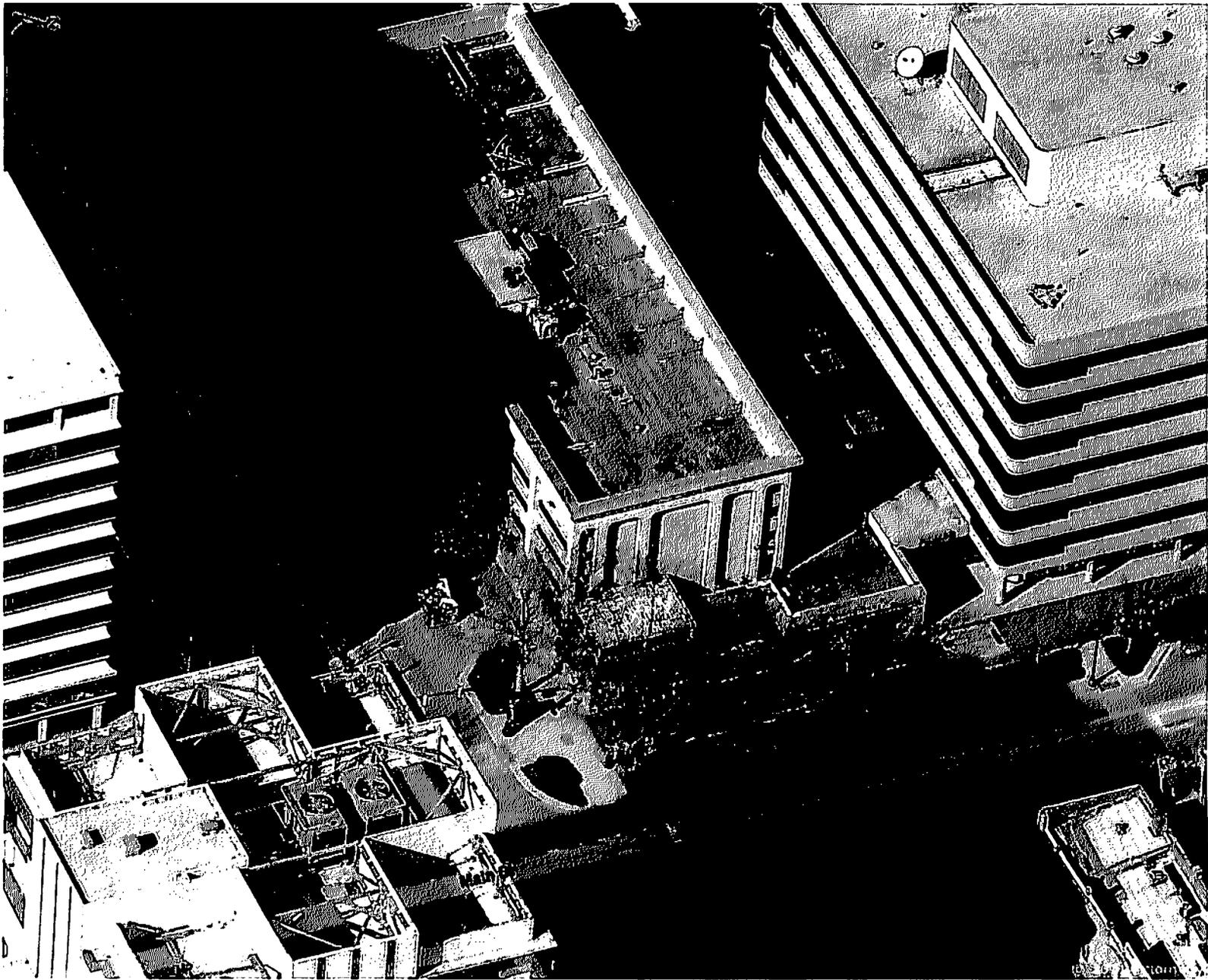
\_\_\_\_\_ Church Directional Signs (Must provide picture or drawing of proposed signs that reflect dimensions)  
 Location(s) signs are to be placed (i.e. Northeast corner of Main Street) \_\_\_\_\_

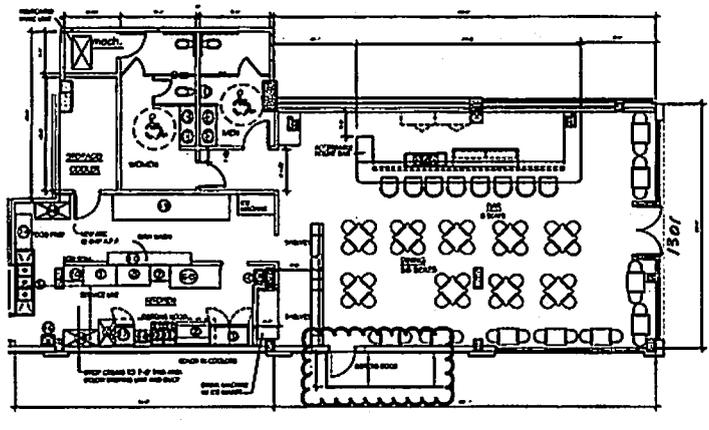


Businesses only:  Outdoor dining No. of chairs: \_\_\_\_\_ No. of Tables: \_\_\_\_\_  
 Hours of operation for outdoor dining: \_\_\_\_\_  
 Number of planters: \_\_\_\_\_ Awning: \_\_\_\_\_ (dimensions - size/material) \_\_\_\_\_  
 Other: \_\_\_\_\_ (or complete applicable "Encroachment type" section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

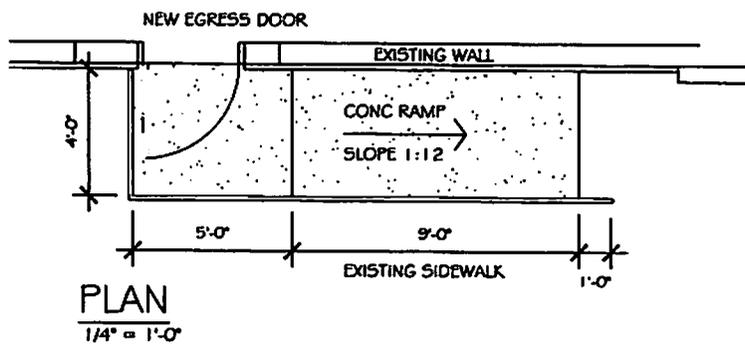
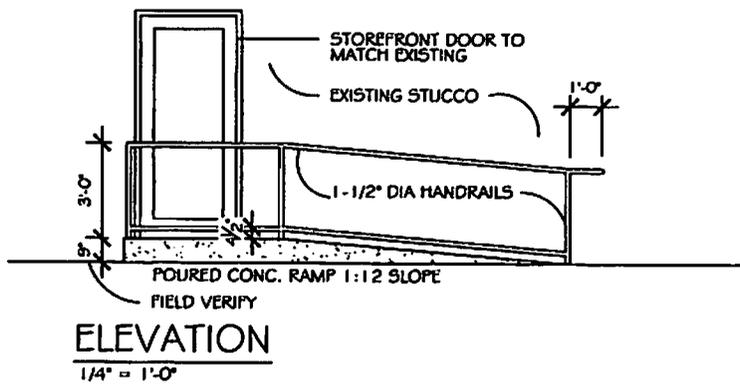
Contact	Department	Telephone Number	Fax Number
Joey Jaco	Utilities & Engineering	545-3400	988-8199
Missy Gentry	Public Works	545-3780	733-8648
Krista Hampton	Planning and Development Services	545-3420	733-8647
Jerry Thompson	Building Official	545-3442	733-8699
Sara Hollar	Forestry & Beautification	545-3860	733-8648
Amy Moore	Historic Preservation	545-3222	733-8647
Fred Deik	Columbia Dev. Corporation	988-6040	988-6039
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 Marshal	545-3703	401-8839
Nancy Lee Trihey	Planning and Development Services	545-3218	733-8647
Arthur Studwick	Forestry & Beautification	545-3860	733-8640
John Fellows	Planning and Development Services	545-3222	733-8647





LADY ST.

MAIN ST.



1301 MAIN STREET  
CANTINA 76 RAMP DETAIL