

ORDINANCE NO.: 2014-127

Granting an encroachment to Fast Eddie's Calzones at 819 Harden Street for placement and maintenance of three tables and twelve chairs immediately in front of their business for use by its patrons for outdoor dining during its normal business hours

WHEREAS, Fast Eddie's Calzones (hereinafter "Grantee") located at 819 Harden Street desires to utilize a portion of the sidewalk right of way area of the 800 block of Harden Street immediately in front of its business for placement and maintenance of three (3) metal tables approximately thirty (30") inches in length and width, twelve (12) metal chairs, a metal movable fence approximately three (3') feet in width and eighteen (18') feet in length for use by its patrons for outdoor dining during its normal business hours of 11:00 a.m. and 4:00 a.m., as shown on the attached drawing; and,

WHEREAS, the tables and chairs shall be placed adjacent to the building to prohibit obstruction of pedestrian movement and vehicle parking and 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,

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 27th day of January, 2015, that Grantee is hereby granted the right to utilize a portion of the sidewalk right of way area of the 800 block of Harden Street immediately in front of its business for placement and maintenance of three (3) metal tables approximately thirty (30") inches in length and width, twelve (12) metal chairs, a metal movable fence approximately three (3') feet in width and eighteen (18') feet in length for use by its patrons for outdoor dining during its normal business hours of 11:00 a.m. and 4:00 a.m., 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 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, 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 shall be placed that creates a visual impediment to persons safely entering or exiting the building, adjoining driveway, parking spaces 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 location of tables and chairs shall not impede the path of travel for the assigned exit discharge of the adjoining building or parking spaces; 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 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. The tables and chairs shall be placed immediately adjacent to the front of the business to allow five (5') feet of passageway along the sidewalk at all times and not obstruct pedestrian movement, vehicle movement and parking, and shall be of durable material and weighted to withstand strong winds; and,

ORIGINAL
STAMPED IN RED

7. The tables and chairs 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,

8. Grantee shall provide a cigarette receptacle for patrons; and,

9. A copy of the approved ordinance with a diagram of the encroachment area shall be displayed inside the business at all times; and,

10. All outdoor musical performances and use of sound-amplifying devices shall end by 10:00 p.m. due to the proximity of the outdoor dining area to residential properties.

11. Grantee shall post signage that smoking is prohibited within the designated encroachment area.

12. The current business does not have an ABL license. Should application be made for an ABL license at this location, this encroachment ordinance shall require an amendment.

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

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, 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 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:

Assistant City Manager Gentry



Mayor

Approved by:



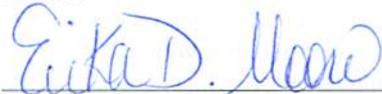
City Manager

Approved as to form:



City Attorney

ATTEST:



City Clerk

Introduced: 1/6/2015

Final Reading: 1/27/2015

**CITY COUNCIL
ENCROACHMENT SUMMARY
2014-127**



**800 BLOCK OF HARDEN STREET
ADJACENT TO 819 HARDEN STREET
FAST EDDIE'S CALZONES
3 TABLES, 12 CHAIRS AND METAL FENCE**

Subject Property:	800 block of Harden Street, TMS#11405-09-09
Council District:	2
Proposal:	Request approval for the placement and maintenance of 3 tables and 12 chairs for use by its patrons for outdoor dining during its normal business hours, as shown on the attached drawing.
Applicant:	Fast Eddie's Calzones
Staff Recommendation:	Recommend Approval
Conditions:	1. Standard conditions regarding outdoor dining within the ROW.

Detail:	The applicant is requesting an encroachment for placement and maintenance of three (3) metal tables approximately thirty (30") inches in length and width, twelve (12) metal chairs, a metal movable fence approximately three (3') feet in width and eighteen (18') feet in length for use by its patrons for outdoor dining during its normal business hours of 11:00 a.m. and 4:00 a.m, as shown on the attached drawing.
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CITY AGENCY COMMENTS FOR ENCROACHMENT

Planning & Development	Recommend approval with the condition that an SC registered design professional [architect] determine code compliance for use of the space as outdoor dining space, for egress purposes and for the number, access to and location of toilet fixtures required.
Streets	Recommend approval.
Utilities & Engineering	Recommend approval.
Traffic Engineering	Recommend approval.
Fire Department	Recommend approval..
Forestry	Recommend approval.
Land Development	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: _____ Property Owner: Jimmy Knight
 Applicant's Name if different from Property Owner: Edward Southworth
 Contact Information: Telephone Number: 607-423-1517 Fax Number: _____
 Mailing address: _____ E-mail address: fasteditscalzones@gmail.com
 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):
 (i.e. 6'x42' wooden privacy fence;
 two 12'x4'x3' concrete steps)
3' x 18', 36" tall metal black moveable fence, black w/ice

Construction material: tables and chairs.

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: 11AM - 4AM
 Posted Maximum Capacity Allowance (inside/outside combined): 49 No. of chairs outdoors: 8 No. of Tables Outdoors: 2
 Do you serve: Wine Beer Liquor SCDOR ABL No.: _____ If not, do you intend to apply for an ABL license? No

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.
[Signature]
 Name/Title: _____
 Date: Owner

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.
[Signature]
 Name/Title: _____
 Date: owner

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	jfellows@columbiasc.net
Brian Cook	Development Services (Zoning)	803-545-3332	803-733-8647	bcook@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	amoore@columbiasc.net
Robert Harkins	Development Services (Plans Review)	803-545-3420	803-733-8647	rharbins@columbiasc.net
Denny Daniels	Utilities & Engineering (Construction Management)	803-545-3400	803-988-8199	ddaniels@columbiasc.net
Robert Anderson	Public Works (Administration)	803-545-3780	803-733-8648	raanderson@columbiasc.net
Robert Sweat	Public Works (Street Division)	803-545-3790	803-545-3785	rsweatt@columbiasc.net
David Brewer	Public Works (Traffic Engineering)	803-545-3850	803-733-8648	ddbrewer@columbiasc.net
Sara Hoilar	Public Works (Forestry & Beautification)	803-545-3860	803-733-8648	sehoilar@columbiasc.net
John Hooks	Public Works (Solid Waste)	803-545-3800	803-733-8648	jhooks@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

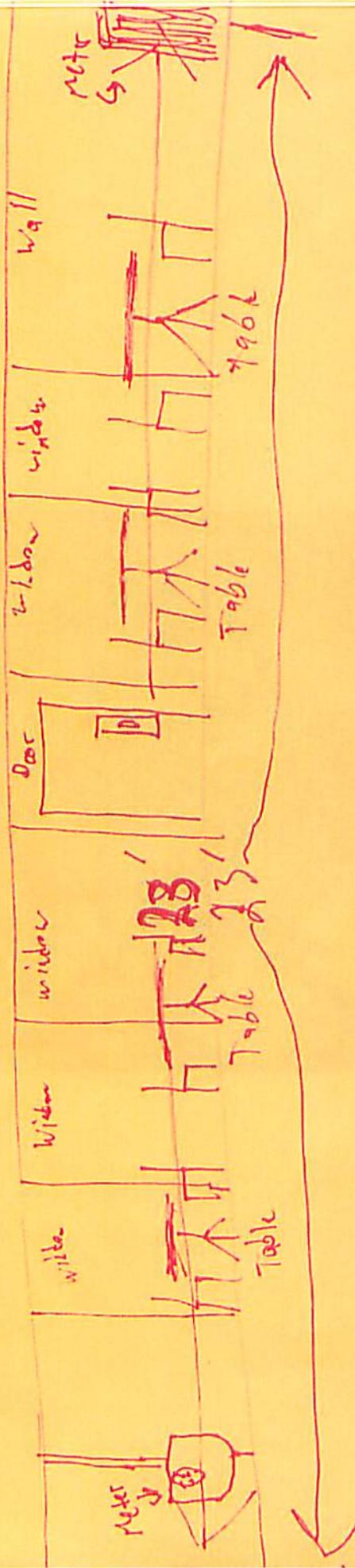


Front

9 Zones

Eddies

Fast



Top view

Brick

