

ORDINANCE NO.: 2018-023

ORIGINAL
STAMPED IN RED

Granting and encroachment to the East Lake Home Owners Association for installation and maintenance of a wooden privacy fence within the right of way of the 100 block of Fountain Lake Way adjacent to properties located at 124 Pine Mast Court, 128 Pine Mast Court, 132 Pine Mast Court, 136 Pine Mast Court, 140 Pine Mast Court, 144 Pine Mast Court, 148 Pine Mast Court, 152 Pine Mast Court, and 156 Pine Mast Court, Richland County TMS#16310-05-70, 16310-05-71, 16310-05-72, 16310-05-73, 16310-05-74, 16310-05-75, 16310-05-76 and 16310-05-77

WHEREAS, the East Lake Home Owners Association (hereinafter "Grantee") desires to utilize a portion of the right of way area of the 100 block of Fountain Lake Way adjacent to properties located at 124 Pine Mast Court, 128 Pine Mast Court, 132 Pine Mast Court, 136 Pine Mast Court, 140 Pine Mast Court, 144 Pine Mast Court, 148 Pine Mast Court, 152 Pine Mast Court, and 156 Pine Mast Court, Richland County TMS#16310-05-70, 16310-05-71, 16310-05-72, 16310-05-73, 16310-05-74, 16310-05-75, 16310-05-76 and 16310-05-77 to install and maintain a wooden privacy fence approximately six (6') feet in height and four hundred eighty-five (485') feet in length as shown on the attached drawing; and,

WHEREAS, it appears that the encroachment will not interfere with the use of the medians 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 19th day of June, 2018, that the grantee is hereby granted the right to use the right of way area of the 100 block of Fountain Lake Way adjacent to properties located at 124 Pine Mast Court, 128 Pine Mast Court, 132 Pine Mast Court, 136 Pine Mast Court, 140 Pine Mast Court, 144 Pine Mast Court, 148 Pine Mast Court, 152 Pine Mast Court, and 156 Pine Mast Court, Richland County TMS#16310-05-70, 16310-05-71, 16310-05-72, 16310-05-73, 16310-05-74, 16310-05-75, 16310-05-76 and 16310-05-77 to install and maintain a wooden privacy fence approximately six (6') feet in height and four hundred eighty-five (485') feet in length as shown on the attached drawing; and,

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 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 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. Gates must swing into property.
8. Fence posts must be located outside of the drip line of City trees to insure protection of City trees.

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: 6/5/2018

Final Reading: 6/19/2018

**CITY COUNCIL
ENCROACHMENT SUMMARY
2018-023**



**100 BLOCK OF FOUNTAIN LAKE WAY
ADJACENT TO 124 THRU 156 PINE MAST COURT
WOOD PRIVACY FENCE**

Subject Property:	Right-of-way adjacent to the 100 block of Fountain Lake Way adjacent to 124, 128, 132, 136, 140, 144, 148, 152, 156 Pine Mast Court, Richland County TMS#16310-05-70, 16310-05-71, 16310-05-72, 16310-05-73, 16310-05-74, 16310-05-75, 16310-05-76, 16310-05-77
Council District:	4
Proposal:	The applicant is requesting an encroachment for installation and maintenance of a 6 ft. high wood privacy fence
Applicant:	East Lake Home Owners Association
Staff Recommendation:	Approval.

Detail:	<p>The applicant is requesting an encroachment for installation and maintenance of a wood privacy fence measuring approximately six (6') feet in height four hundred eighty-five (485') feet in length, as shown on the attached drawing; and,</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. 3. Irrigation 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. Gates must swing into property. 8. Fence posts must be located outside of the drip line of City trees to insure protection of City trees.
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CITY AGENCY COMMENTS FOR ENCROACHMENT

Planning	Recommend approval.
Streets	Recommend approval.
Utilities and Engineering	<p>Recommend approval with condition</p> <ol style="list-style-type: none"> 1. If the fence is within a City utility easement a hold harmless agreement will need to be executed.

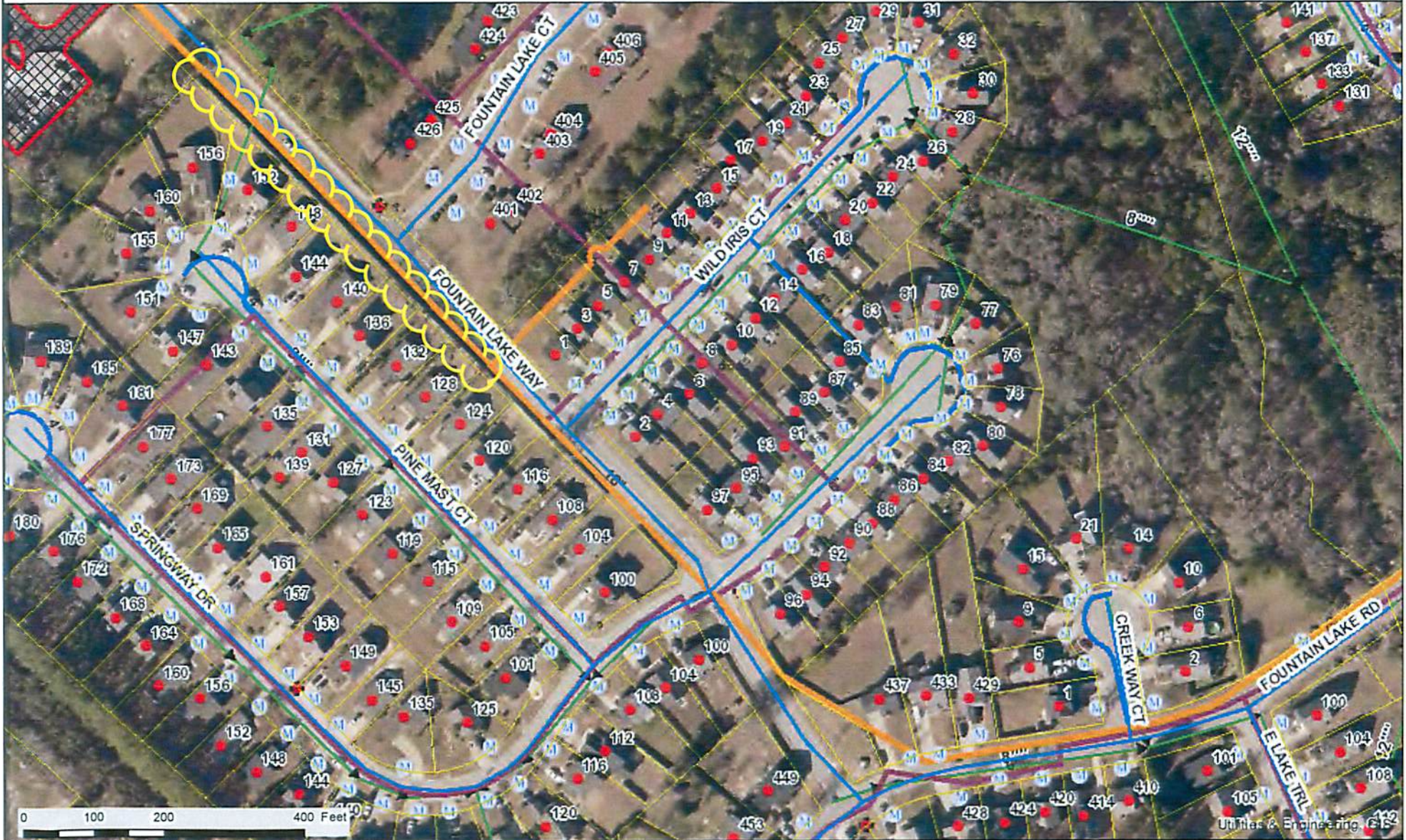
Traffic Engineering	Recommend approval.
Forestry	Recommend approval.
Land Development	Recommend approval.
Fire	Recommend approval.

City of Columbia

Fountain Lake Way - Fence Encroachment



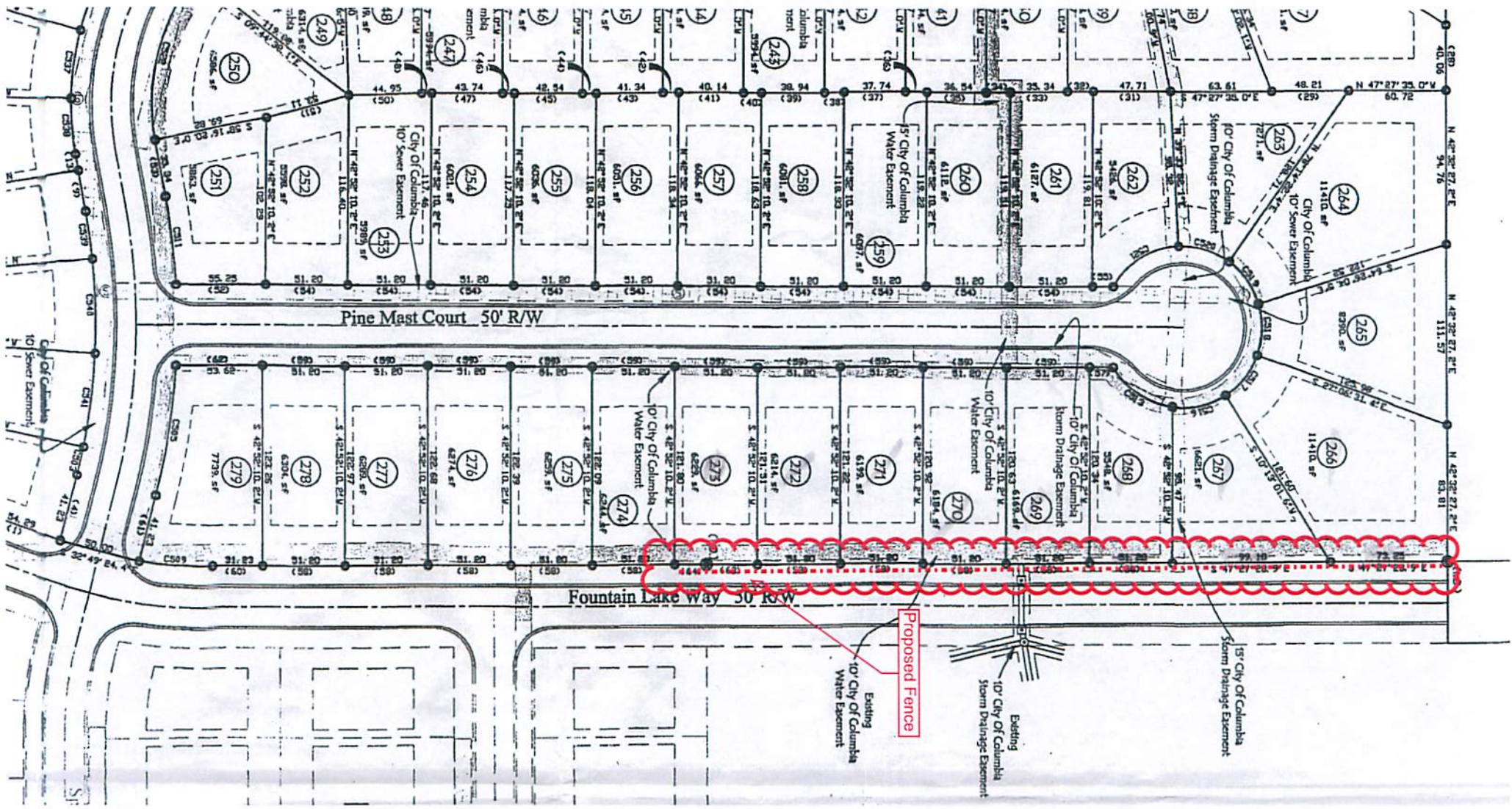
Monday, March 5, 2018



CITY OF COLUMBIA GIS DATA DISCLAIMER

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Pine Mast Court 50' R/W

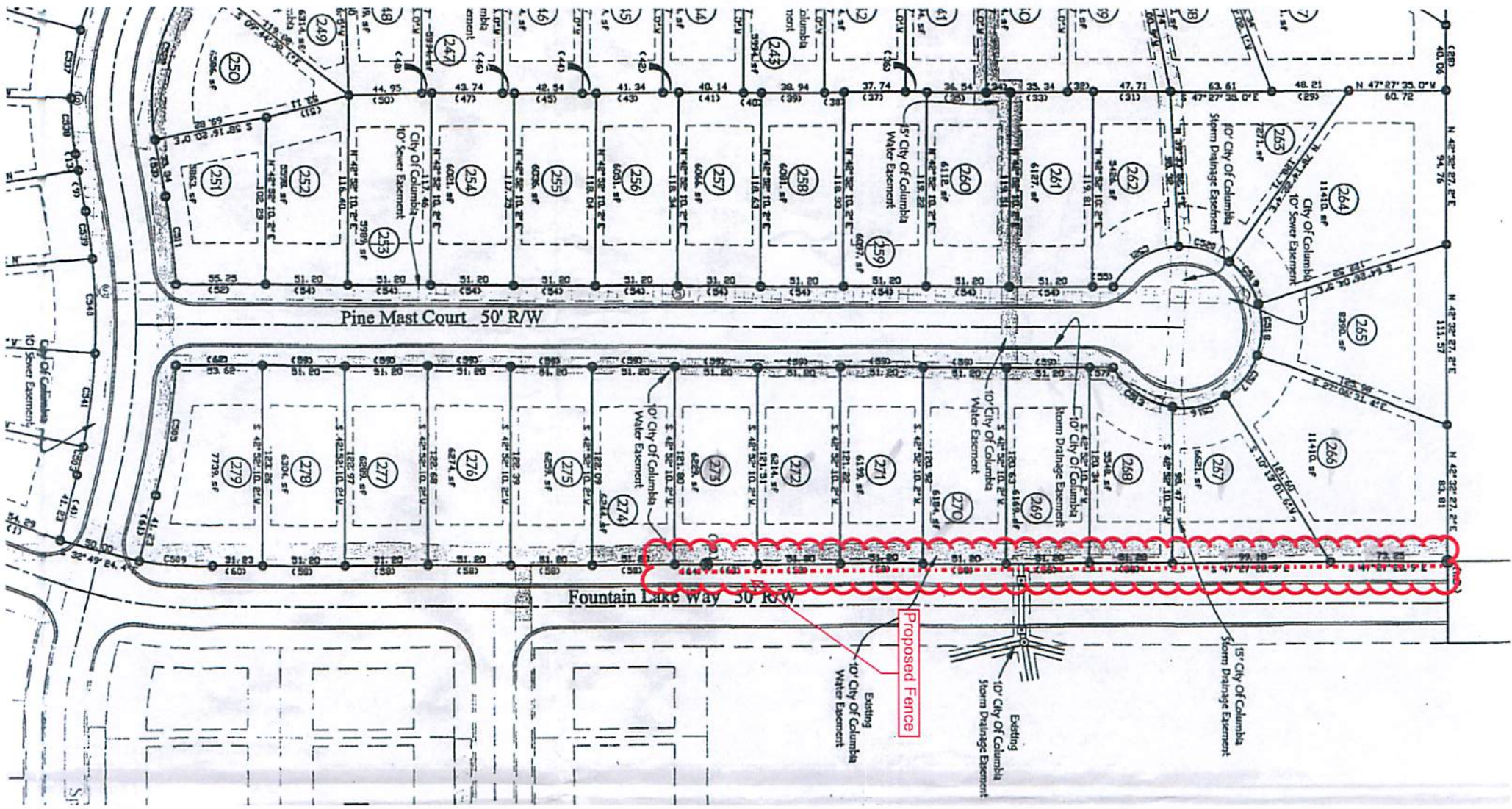
Fountain Lake Way 50' R/W

Proposed Fence

Existing
10' City of Columbia
Water Exemant

Existing
10' City of Columbia
Storm Drainage Exemant

Existing
15' City of Columbia
Storm Drainage Exemant



Pine Mast Court 50' R/W

Fountain Lake Way 50' R/W

Proposed Fence

Existing
10' City of Columbia
Water Exemant

Existing
10' City of Columbia
Storm Drainage Exemant

Existing
15' City of Columbia
Storm Drainage Exemant

REQUEST FOR A PERMANENT RESIDENTIAL OR CHURCH DIRECTIONAL SIGNS 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 stardis@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: 2-14-2018 Property Owner: East Lake Homeowners Association
 Applicant's Name if different from Property Owner: Cheryl Goodwin, President
 Contact Information: Telephone Number: 803-240-9140 Fax Number: _____
 Mailing address: Fountain Lake way E-mail address: cgoodwin4@bellsouth.net
 Encroachment Location (Address): Fountain Lake way
 (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: _____

Encroachment type: Wall Fence Columns Steps Irrigation System Landscaping Driveway Pavers
 Walkway/Side walk Underground Utilities other

If Other - specify: _____

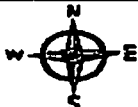
Dimensions (height/width/length): See attachments 6 ft fence

(i.e., 6x42' wooden privacy fence; two 12"x4' concrete step, two 12"x12"x24" brick columns; 4x15' brick paver walkway)

Construction material: Treated wood/lumber

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) _____ _____ _____	
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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.

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)	803-646-3333	803-343-8779	jchambers@columbiasc.net
John Fellows	Development Services (Planning)	803-545-3222	803-733-8847	jsfellows@columbiasc.net
Brian Cook	Development Services (Zoning)	803-545-3332	803-733-8847	kbcook@columbiasc.net
Jerry Thompson	Development Services (Building Inspections)	803-545-3420	803-733-8899	jthompson@columbiasc.net
Fanessa Pinckney	Development Services (Permits)	803-545-3420	803-733-8899	fcpinckney@columbiasc.net
Amy Moore	Development Services (Historic Preservation)	803-545-3222	803-733-8847	aemoore@columbiasc.net
Robert Harkins	Development Services (Plans Review)	803-545-3420	803-733-8847	rtharkins@columbiasc.net
Denny Dantals	Utilities & Engineering (Construction Management)	803-545-3400	803-888-8199	ddantals@columbiasc.net
Robert Anderson	Public Works (Administration)	803-545-3780	803-733-8848	raanderson@columbiasc.net
Robert Sweat	Public Works (Street Division)	803-545-3780	803-545-3785	rgsweatt@columbiasc.net
David Brewer	Public Works (Traffic Engineering)	803-545-3850	803-733-8848	ddbrewer@columbiasc.net
Sara Hollar	Public Works (Forestry & Beautification)	803-545-3880	803-733-8848	sehollar@columbiasc.net
John Hooks	Public Works (Solid Waste)	803-545-3800	803-733-8848	jphooks@columbiasc.net
Chip Timmons	Risk Management	803-733-8308	803-733-8246	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



FENCE/WALL



BUILDING/ZONING PERMIT APPLICATION CITY OF COLUMBIA DEVELOPMENT SERVICES

Development Center • 1136 Washington Street, Columbia, SC 29201 • 803.545.3333 • Fax: 803.733.8699

DATE	2/28/18	SC LICENSE #	
JOB LOCATION	Fountain Lake Way		
TAX MAP #		ZONING DISTRICT	

I, as a property owner or owner representative, confirm to the best of my knowledge that the above property is and is not within a flood hazard area

SIGNATURE:

CONTACT INFORMATION <i>Whom should reviewers contact with questions?</i>	NAME:	Cheryl Goodwin		
	ADDRESS:	101 Creek Way Lane		
	TEL:	803-240-9140	FAX:	
			E-Mail:	cgoodwin4@telkouth.net
CONTRACTOR INFORMATION <i>If not known, enter: "To Be Determined"</i>	NAME:	To be determined		
	ADDRESS:			
	TEL:		FAX:	
			E-Mail:	

PROPERTY OWNER	
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DESCRIPTION OF WORK	Replace 6 ft fence.
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Facts About Fences <i>Note: this information is not comprehensive; please consult the Zoning Ordinance Chapter 17-277 for more information</i>	Conditions	
	<ul style="list-style-type: none"> Fences may not be located in the required sight area (See Code of Ordinances 17-280). Maximum allowed height for a fence or wall within the required front yard setback is 4'. Maximum allowed height for a fence or wall within the required side or rear yards is 7' however, if the fence will be located within 6' of an adjacent structure, the fence height may not exceed 5'. Maximum allowed height for a fence or wall within the required secondary front yard is 6' in height. Detailed sketch showing exact location of fence must be submitted with this application. Owner is responsible to ensure that the proposed work is <u>NOT</u> within a recorded easement. 	
	<input checked="" type="checkbox"/> By checking this box I agree to the above conditions.	

FENCE HEIGHT	6 ft
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EXISTING USE OF PROPERTY	Privacy fence	PROPOSED USE PROPERTY	Replacement
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JOB VALUE FOR THIS JOB	\$	FENCE MATERIAL	Treated Lumber
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SIGNATURE	Cheryl G. Brock	COMPLETION DATE	
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FOR STAFF USE	INVOICE#
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Image capture: Aug 2014 © 2018 Google

Columbia, South Carolina

Google, Inc.

Street View - Aug 2014





Image capture: Aug 2014 © 2018 Google

Columbia, South Carolina

Google, Inc.

Street View - Aug 2014





Image capture: Aug 2014 © 2018 Google

Columbia, South Carolina

Google, Inc.

Street View - Aug 2014

