

Lafayette Street Property Redevelopment Request for Proposals (RFP)

Redevelopment Commission
City of Beaufort, South Carolina

SCOPE OF WORK

GENERAL DESCRIPTION

The City of Beaufort is seeking to select the most responsive, responsible, and creative development team for the acquisition and redevelopment of that certain land referred to as the Lafayette Street Property (1403 Lafayette Street, Beaufort, South Carolina, 29902), which is located within the City of Beaufort near Basil Green Park. (See Exhibit A: Vicinity Area Map).

The Lafayette Street Property presents a wonderful opportunity for a developer to redevelop a vacant parcel and construct affordable/workforce and/or market-rate residential housing that will provide spacious, affordable, and attractive homes for owner occupancy.

Beaufort is known for having well-designed and aesthetically-pleasing neighborhoods, while preserving the historic character of its homes. It is expected that the redevelopment of this parcel will complement the community and enhance its beauty and livability.

The City of Beaufort's Redevelopment Commission ("RDC") will administer the development of the Lafayette Street Property. The redevelopment will be comprised of one 0.895-acre vacant parcel of land located on Lafayette Street, which parcel will be conveyed by the City of Beaufort (See Exhibit B: Deed, Plat, and Title Work of 1403 Lafayette Street).

The property address is 1403 Lafayette Street and the TMS Number is R120 002 000 0093 0000. This property is located outside of the Beaufort National Landmark Historic District.

This unique urban setting presents an unparalleled opportunity to participate in Beaufort's growing housing industry by blending housing with various designs, sensitive urban development, preservation strategies, and the creation of affordable opportunities for home ownership.

PROJECT DESCRIPTION

The RDC's goal is to achieve a residential development of high quality design, materials, and workmanship. The scale, massing, and design of the project are of the utmost concern to the RDC. The project shall exemplify high regard for the immediate and surrounding neighborhood and give attention to the context of the sites, as well as the challenge and opportunity of designing architecture that is complementary both to the neighborhood and to the structures to be constructed on the above-described property.

From a housing perspective, it will expand homeownership residential opportunities in the area, and may introduce new housing types that currently do not exist but can blend seamlessly into the surrounding neighborhood fabric. The City also encourages Proposers to utilize the recently adopted Development Design Exceptions Ordinance Amendment (Exhibit E) to the City's Unified Development Ordinance (UDO).

The two important design components of this project are the Site Plan and the Conceptual Unit Designs of the proposed structures. Site details that may be appropriate for this site include rear lane access, on-site parking, individual lots, sidewalks and on-street parking, as well as the preservation of existing significant trees. For the individual residences, a range of building and unit types may be proposed. These may range from single-family detached units to small multi-family buildings with up to four (4) units per building. The unit sizes may vary as well and can include plans for one-, two-, and three-bedroom units.

All utility services including street lighting within the project perimeter shall be placed underground at the expense of the successful Proposer. The cost of the street light underground conduit, poles, lamps and other lighting equipment required for this Project shall also be the responsibility of the successful Proposer. Moreover, the Proposer will be responsible for the construction of the planned streetscape improvements for the northern side of Lafayette Street along the frontage of the subject property (between Von Harten and Rodgers Streets) outlined in the Sector One Civic Master Plan (Exhibit C), generally including sidewalk, planting strip, and on-street parking. Lafayette Street is scheduled to be resurfaced in the Spring of 2012 by the South Carolina Department of Transportation.

The City of Beaufort has recently partnered with the Lowcountry Housing Trust (LHT) in an effort to stimulate construction of workforce housing in the City. LHT is a Charleston-based regional housing advocate and financial institution that works with local governments, developers, community leaders, non-profit organizations and for-profit businesses to address the housing affordability issues facing the local communities. Serving as the model for housing trusts throughout the state, LHT bridges the gap between governments and developers; developers and nonprofits; and families. The Lafayette Street RFP presents an opportunity to partner with LHT to provide a portion of the financing for site acquisition, site development and home construction. Please visit LHT's website, www.lowcountryhousingtrust.org, for more information.

Proposers should also be aware of the mortgage loan programs and special credit initiatives offered by the South Carolina Housing Finance and Development Authority (SCHFDA) to qualified low and moderate income homebuyers to enhance the affordability of home purchasing and ownership. Please visit the SCHFDA's website, www.sha.state.sc.us, for more information.

Exhibit D illustrates the Beaufort County 2011 Area Median Incomes (AMI) and guidelines as to maximum affordable mortgages by household size. Please note that the inclusion of this information is not intended to impose rigid restrictions on homebuyer income and/or home sale price limits, but rather to provide information which may be useful to prospective Proposers in gaining a better understanding of the Beaufort market and the availability of special financing to expand the market for the housing units to be constructed.

The affordable/workforce units will remain affordable for people within the respective income range via deed restrictions, but that the term and other provisions of the restriction shall be drafted in such a way as to be acceptable to the lender involved in the project (i.e. LHT, SCHFDA, etc).

The proposal shall clearly state the number of residential units, unit sizes, construction costs, amenities, proposed sales prices, and regime fees, if applicable, as well as any special design or construction features that the Proposer expects will enhance the marketability and/or affordability of the units.

Please note that Proposers are permitted to obtain their own financing for this project.

SITE CHARACTERISTICS

Development of the above-described property shall be undertaken within the limits of current land use and zoning regulations.

- **ZONING:** The property is currently zoned General Residential (GR). For the proposals in response to this RFP, please assume the design will generally follow the guidelines set out in the City of Beaufort Unified Development Ordinance (UDO) for zoning district GR. While GR permits higher densities, the City will be contractually restricting the development to single family detached and attached units and small multi-family buildings of up to four (4) units per building.
- **HEIGHT DISTRICT:** Subject to GR zoning height regulations; see the UDO for specific requirements. *“Maximum height 35 feet for single-family structures, 50 feet for multifamily.” (Article 6, Section 6.1)*

SUBMISSION REQUIREMENTS

The basis for selection shall be in accordance with the evaluation criteria listed herein. The format for submissions shall be 8.5” X 11.0” bound proposals. One (1) bound proposal and one (1) unbound original shall be submitted. Financial information noted below with an asterisk (*) shall be excluded from the bound proposal with one (1) copy submitted in a separate envelope noting the Proposer’s team name on the exterior marked as CONFIDENTIAL. All proposals must be submitted to the Office of Civic Investment at the address below no later than 5:00PM, Eastern Standard Time, on Monday, March 26, 2012:

City of Beaufort
Office of Civic Investment
1911 Boundary Street
Beaufort, SC 29902

All proposals shall contain the following information:

- **LETTER OF PROPOSAL:** Proposers shall include a Letter of Proposal that shall specify the nature and content of the development plan.
- **EXECUTIVE SUMMARY:** Proposers shall include an Executive Summary that outlines the development team and the scope of the Project.
- **SITE PLAN:** Proposers shall submit a site plan that details the number of homes that will be constructed in the redevelopment area to include their relationship to adjacent buildings.
- **CONCEPTUAL DESIGN:** Proposers shall submit a conceptual design of the vacant lot in the redevelopment area. These drawings shall illustrate the design capability of the project team.
- **PRELIMINARY COST ESTIMATE:** Proposers shall submit a cost estimate for the design and construction for the proposed Project. The cost estimate shall include a proposed purchase price for the 1403 Lafayette Street property and reflect that as an itemized component of the source of funds schedule together with site development costs, materials/labor costs, builder overhead, and profit.
- **PARTICIPANT LIST:** Proposers shall include a statement identifying all parties that will be participating in the project, including developer, architect, engineer, and financing entities. This information shall include:
 - Information relative to the firms and their capabilities to complete the project; and
 - List of previous similar projects, especially those relating to the infill development.
- **FINANCIAL STATEMENT:** Proposers shall include a certified financial statement indicating financial capability to complete the Project. This financial statement shall include equity available to the Proposer, sources and amounts of financing and a statement from a lender or other such entity establishing the Proposer's ability to obtain such financing. At its sole discretion, the City reserves the right to require additional documentation demonstrating Proposer's ability to meet the requirements of this RFP.
- **SCHEDULE:** Proposers shall include a detailed schedule for the planning, design, construction, and marketing of the proposed Project.
- **BID PROPOSAL:** Proposers shall include the purchase price and all requested terms and conditions; to include the number of market rate and affordable units, unit sizes, and construction costs.

PRE-BID CONFERENCE

An optional pre-bid conference will be held on Monday, February 13, 2012 at 2:00PM in the City Council Chambers at Beaufort City Hall (1911 Boundary Street, Beaufort, SC).

Proposers interested in responding to this RFP are encouraged to attend but attendance is not mandatory. Proposers may send their written questions ahead of this meeting to allow the City time to research their issues so that a response can be provided at the meeting.

Written questions will still be taken after February 13, 2012, but not later than February 21, 2012.

SELECTION PROCESS

To select the most qualified Proposer, a selection committee appointed by the RDC will review and evaluate all responses. The selection shall be made based on the criteria included in this solicitation. An award will be made to the most responsive, responsible, and creative Proposer whose proposal is most advantageous to the City. The responses will be awarded based on how well the proposal addresses the following criteria:

- Conceptual design (sensitivity of the design to the context of the Project site and consistency with the Sector One Civic Master Plan);
- Number and type of units;
- Architectural design considerations;
- Affordability by designated income segments;
- Proposed unit sale prices and/or rent levels;
- Demonstrated ability to execute the development plan based on track record and ability to obtain necessary financing; and
- Price offered to the City for the subject property.

Each proposal shall be subject to the same review and evaluation process. Final approval rests with the members of the City Council of the City of Beaufort at their sole discretion, including the option to reject any and all bids.

Following the initial review of proposals, the RDC will select a number of finalists who will be asked to attend an interview with the selection committee. Such interviews will be conducted within the City of Beaufort at a location determined by the RDC. At this time, respondents may be asked to:

- Respond to specific questions arising from the review of initial proposals;
- Submit refined development cost budgets;
- Submit a conditional commitment letter from a lender acceptable to the City, and with conditions acceptable to the City; and
- Submit a bid bond (if deemed necessary and appropriate).

The target schedule for this project includes approval by the Beaufort Redevelopment Commission and City Council in May 2012 with the real estate closing and transfer of properties to occur by June 2012.

TERMS OF SALE

The City shall convey by limited warranty deed all of its rights, title and interest in and to the property in accordance with a contract purchase agreement with only the terms accepted by the City from the Proposer's response to this RFP and the requirements of this RFP incorporated therein (the "Contract"). The Proposer should submit a price for the subject property that will allow the Proposer to meet the proposed target income sales price range and provide for reasonable builder profit. Please note that no minimum land price is necessarily required and the proposals will be evaluated on a case-by-case basis subject to the guiding principles stated in the Selection Process section of this RFP.

During the Due Diligence Period, the Purchaser shall take whatever actions it deems necessary to inspect the Property, including environmental testing and a wetlands study or determination, examine the title to the Property, conduct archeological, structural, geotechnical or such other investigations and studies as Purchaser shall determine are necessary or desirable to satisfy itself of the condition of the Property. Purchaser shall indemnify and hold the City harmless from liability arising from any archeological or environmental conditions on the Property, claims of right of ingress and egress to the Property by third parties, or exceptions to the title to the Property other than permitted exceptions.

CONTACT

If you have any questions concerning this RFP, please contact Josh Martin at the Office of Civic Investment, Beaufort City Hall, 1911 Boundary Street, Beaufort, SC 29902, at jmartin@cityofbeaufort.org or 843-986-5618.

EXHIBIT A
Vicinity Area Map

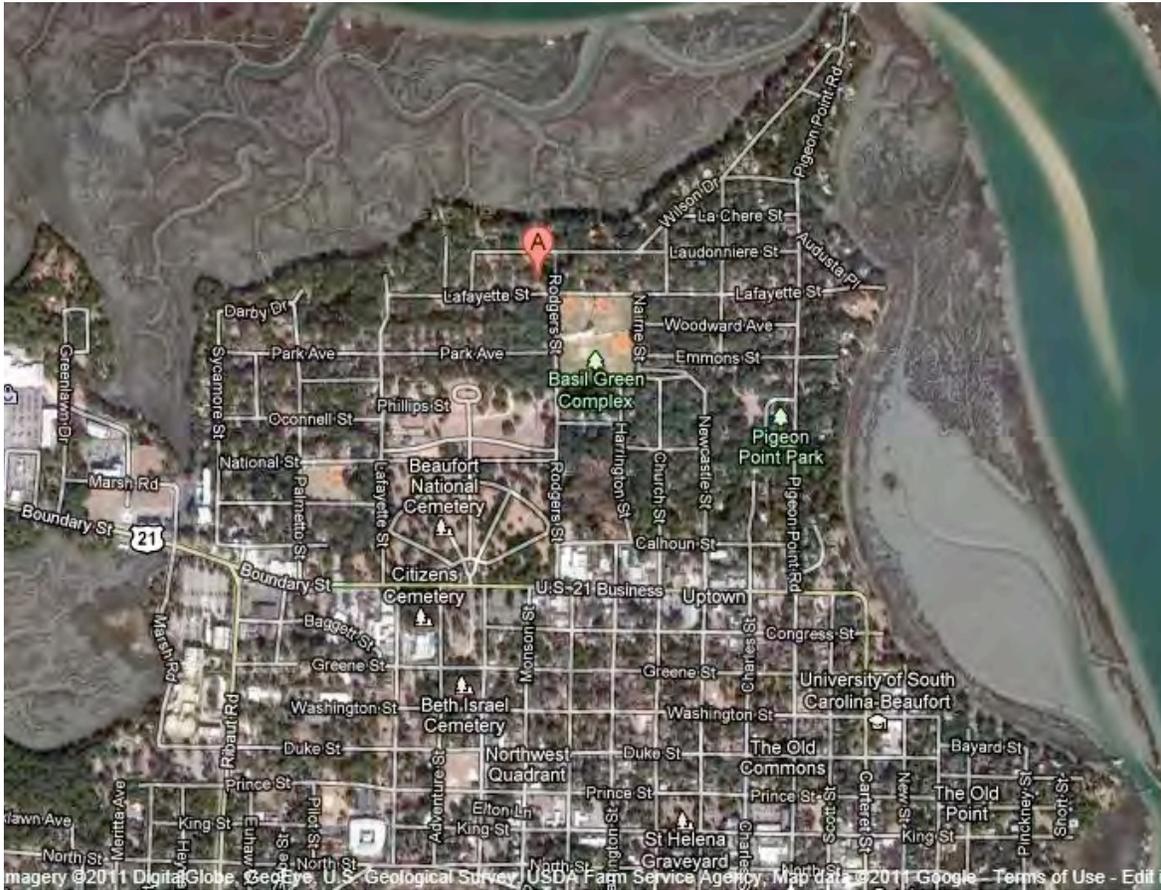


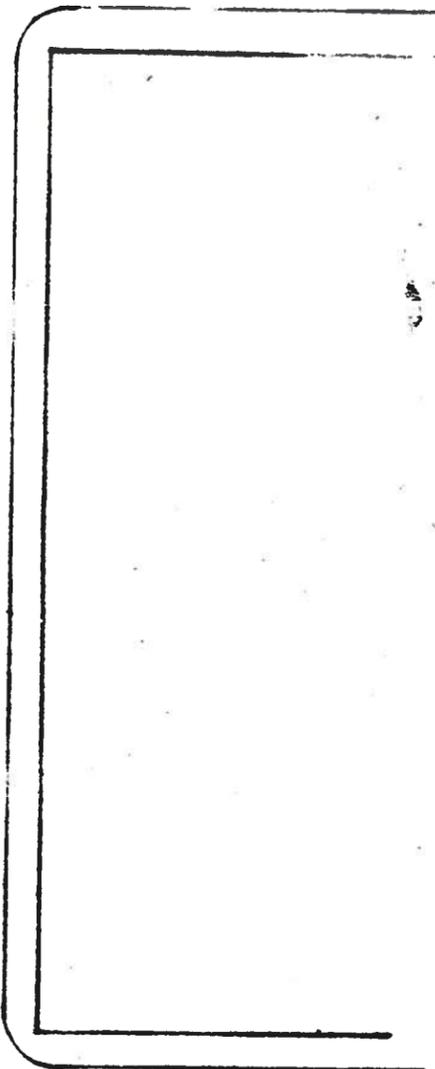
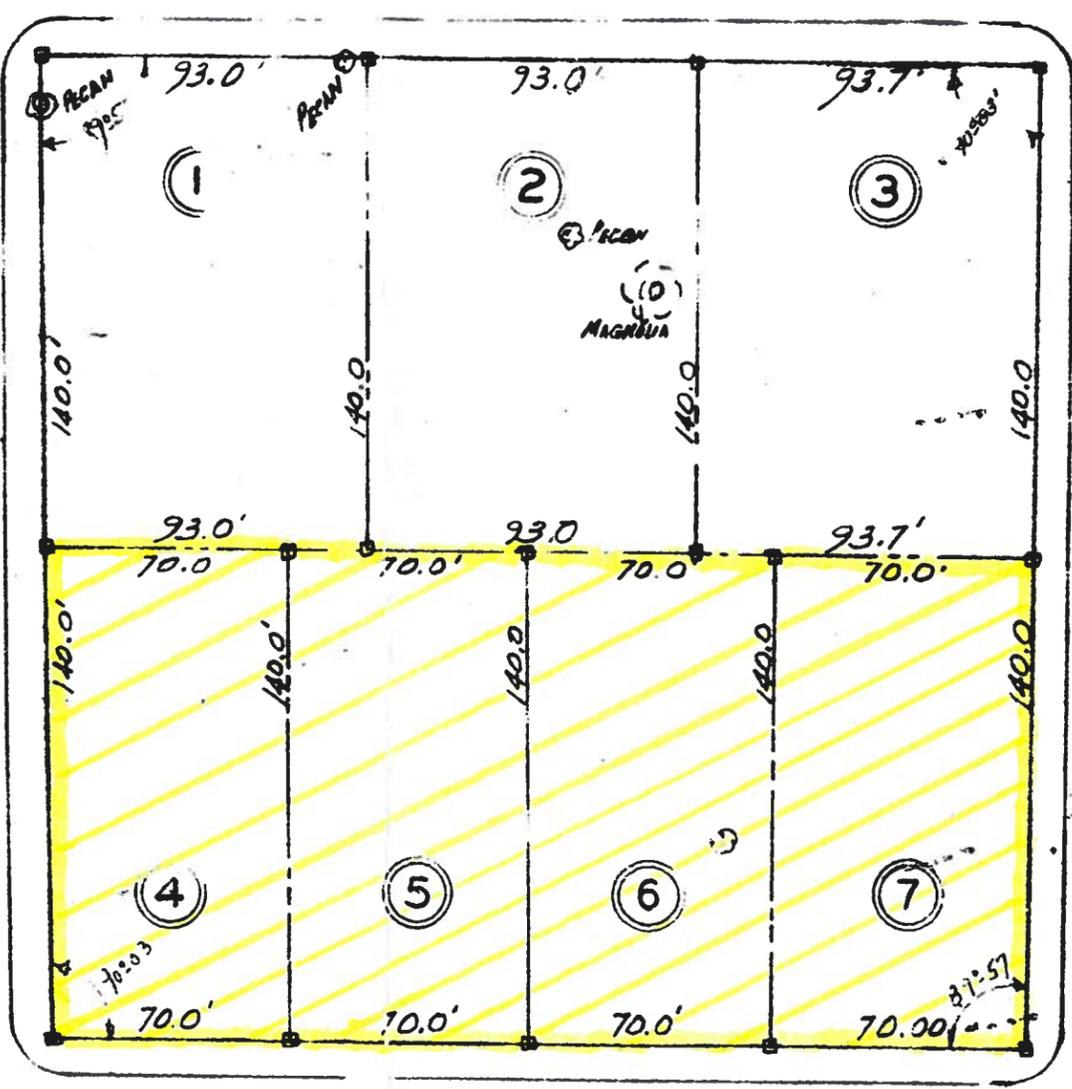
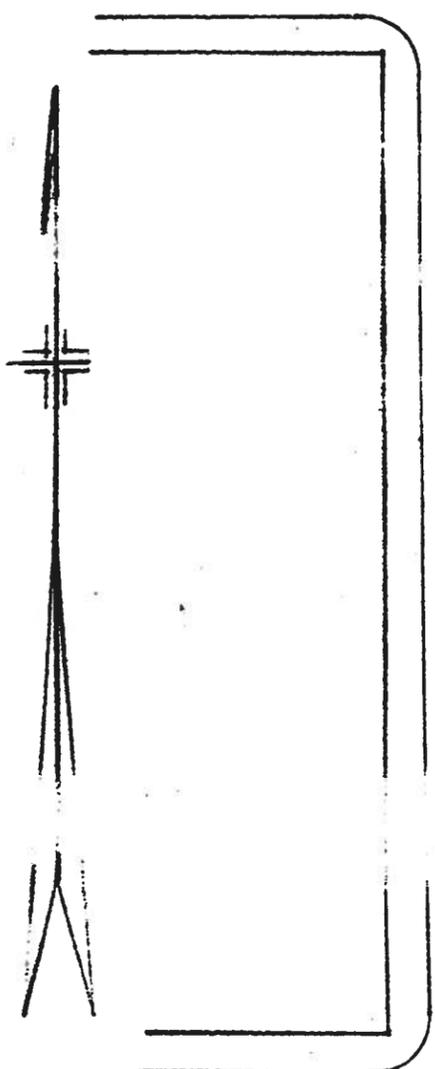
EXHIBIT B
Deed, Plat, & Title Work of 1403 Lafayette Street

LAUDONIERE STREET

VON HARTEN ST.

RODGERS STREET

LAFAYETTE ST.



PROPERTY OF
MYRTLE V. H. DAVISON

"PIGEON POINT AREA"

BEAUFORT, SOUTH CAROLINA
SCALE 1" = 40' - - SEPT. 6, 1955

JULIA LEVIT
ATTORNEY AT LAW

A. D. TROGDON, SR.
P.L.S. NO. 1656
LIC. NO. 176

SUMMARY SHEET

PROPERTY: LOTS 4, 5, 6 & 7 PROPERTY of MYRTLE V.H. DAVISON

DMP: 120 - 2 - 93

TITLE VESTED IN: CITY of BEAUFORT

TAXES: 2011

KEY: #00202131 AMOUNT: \$24.70 DATE PAID: NOW DUE

SUBJECT TO ROLL BACK TAXES: YES ___ NO X

RENTAL RESIDENTIAL: KEY# ___ N/A ___ AMOUNT \$ ___ DATE PAID: ___

MOBILE HOME: KEY# ___ N/A ___ AMOUNT \$ ___ DATE PAID: ___

PURCHASERS:

PURCHASER LIENS/JUDGMENTS:

MECHANICS LIENS: NONE
TAX LIENS: NONE
UCC's: NONE
JUDGMENTS: NONE
LIS PENDENS: NONE

MORTGAGES:

1) MORTGAGOR: NONE

MORTGAGEE: _____

BOOK/PAGE: _____ AMOUNT: \$ _____ DATED: _____ RECORDED: _____

ASSIGNED/MODIFIED/LEASES & RENTS: _____

2 MORTGAGOR: _____

MORTGAGEE: _____

BOOK/PAGE: _____ AMOUNT: \$ _____ DATED: _____ RECORDED: _____

ASSIGNED/MODIFIED/LEASES & RENTS: _____

RESTRICTIONS: NONE

RIGHT OF REPURCHASE: YES ___ NO ___

EASEMENTS: NONE

RIGHT OF WAYS: NONE

ACCESS: PUBLIC ___ PRIVATE ___

PLATS: 11 p 32

CHAIN OF TITLE

PROPERTY: LOTS 4, 5, 6 & 7 PROPERTY of MYRTLE V.H. DAVISON

TITLE VESTED IN: CITY of BEAUFORT

City of Beaufort	d-8-15-77 r-8-31-77	253 p 106
Carlton F. Smith	d-12-15-61 r-12-15-61	109 p 223
Myrtle V.H. Davison	d-4-7-51 r-4-9-51	72 p 141
Myrtle V.H. Davison	d-1-2-51 r-1-2-51	71 p 531
John A. Sheppard	d-4-5-48 r-4-7-48	66 p 406
Niels Christensen	d-10-6-47 r-10-7-47	66 p 4

DB 253 p 106

LAW OFFICES OF DOWLING, DOWLING, SANDERS & DUKES, P.A., BEAUFORT, S. C.

1. W.
71.7

THE STATE OF SOUTH CAROLINA

TITLE TO REAL ESTATE

COUNTY OF BEAUFORT

253
106



KNOW ALL MEN BY THESE PRESENTS, THAT

I, CARLTON F. SMITH,

Revenue Stamps
Collected
\$ 10.45
Beaufort County, S. C.

in the State aforesaid for and in consideration of the sum of
TEN AND NO/100 (\$10.00) DOLLARS,

and other valuable consideration.

to me in hand paid at and before the sealing of these presents by THE CITY OF BEAUFORT,
a Municipal Corporation, Beaufort, (P.O. Drawer 191, Beaufort, S.C.)

in the State aforesaid, the receipt whereof is hereby acknowledged, have granted, bargained, sold and released,
and by these Presents do grant, bargain, sell and release unto the said THE CITY OF BEAUFORT, ITS
SUCCESSORS AND ASSIGNS FOREVER, the following described real property, to-wit:

ALL those certain pieces, parcels or lots of land, situate,
lying and being in the City of Beaufort, County of Beaufort, State of
South Carolina, and shown and designated as Lots No. 4, 5, 6, and 7 of
the property of Myrtle V. H. Davison, on a plat made by R. D. Trogdon,
Sr., under date of September 6, 1955. Said lots are contiguous and to-
gether form one (1) lot which may be bounded and described as follows:
NORTH by Lots No. 1, 2, and 3 of the property of Myrtle V. H. Davison,
and measuring thereon for a distance of Two Hundred Eighty (280) feet;
EAST by Rodgers Street, and measuring thereon for a distance of One
Hundred Forty (140) feet; SOUTH by Lafayette Street, and measuring thereon
for a distance of Two Hundred Eighty (280) feet; and WEST by Von Harten
Street, and measuring thereon for a distance of One Hundred Forty (140)
feet.

And being a portion of the property conveyed to Grantor herein
by Myrtle V. H. Davison by deed dated December 15, 1961, said deed duly
indexed and recorded in the Office of the Clerk of Court for Beaufort
County, South Carolina in Deed Book 109 at page 223.

The within deed prepared by Raymond H. Williams, of Dowling,
Dowling, Sanders & Dukes, 1105 Bay Street, Beaufort, S. C.

Beaufort County Tax Map Reference
Map 2002 Parcel 99 Block 200 Dist 0 CL

TOGETHER with all and singular, the Rights, Members, Hereditaments and Appurtenances to the said Premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said Premises before mentioned unto the said _____

The City of Beaufort, its successors ----- ~~HEIR~~ and Assigns forever.

AND he does hereby bind himself and his Heirs, Assigns Executors and Administrators, to warrant and forever defend, all and singular, the said Premises unto the said The City of Beaufort, its successors

and Assigns, against him and his Heirs, and against any persons whomsoever lawfully claiming, or to claim the same or any part thereof.

WITNESS My Hand and Seal, this 15th day of August in the year of our Lord one thousand nine hundred and Seventy-seven and in the two hundred second year of the Sovereignty and Independence of the United States of America.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF

[Handwritten signatures of witnesses]

Carlton F. Smith (L.S.)
Carlton F. Smith (L.S.)

THE STATE OF SOUTH CAROLINA, BEAUFORT County.

PERSONALLY appeared before me Edward E. Duryea and made oath that he saw the within named Carlton F. Smith sign, seal, and as his act and deed, deliver the within written Deed, and that he with Raymond H. Williams witnessed the execution thereof.

SWORN to before me, this 15th August, A. D. 1977. [Signature of Notary Public for South Carolina] (SEAL) My COMMISSION EXPIRES: Sept. 5, 1983.

[Signature of Edward E. Duryea] (witness)

THE STATE OF SOUTH CAROLINA, BEAUFORT County.

RENUNCIATION OF DOWER

I, Raymond H. Williams, a Notary Public for South Carolina do hereby certify unto all whom it may concern, that Mrs. Ida S. Smith the wife of the within named Carlton F. Smith did this day appear before me, and upon being privately and separately examined by me, did declare that she does freely, voluntarily, and without any compulsion, dread or fear of any person or persons whomsoever, renounce, release and forever relinquish unto the within named The City of Beaufort, its successors

and assigns, all her interest and estate, and also all her right and claim of dower, of, in or to all and singular the premises within mentioned and released. Given under my Hand and Seal, this 15th day of August Anno Domini 1977. [Signature of Notary Public for South Carolina] (SEAL) My Commission Expires: Sept. 5, 1983. IDA S. SMITH

State of South Carolina,

COUNTY OF BEAUFORT

CARLTON F. SMITH

TO
THE CITY OF BEAUFORT, A
Municipal Coporation

109

TITLE TO REAL ESTATE

Filed 31st day

of August A. D. 19 77

at 5:00 o'clock P. M.

and recorded in Book 253

Page 106, Fee, \$ 3.75

Dep. Catherine S. ...
R. M. C. or Clerk Court C. P. & G. S.
Beaufort County, S. C.

Recorded this day

of , 19

in Book Page

Fee, \$

Auditor County, S. C.

DOWLING, DOWLING, SANDERS
& DUKES, P.A.

ATTORNEYS AT LAW
BEAUFORT, S. C.

STATE OF SOUTH CAROLINA,

COUNTY OF BEAUFORT.



KNOW ALL MEN BY THESE PRESENTS THAT

I, MYRTLE V. H. DAVISON, of Beaufort County, South Carolina

in the State aforesaid For and in consideration of the sum of TWO THOUSAND AND NO/100 (\$2,000.00) DOLLARS

to me in hand paid at and before the sealing of these presents by CARLTON F. SMITH

in the State aforesaid For which the receipt whereof is hereby acknowledged, have granted, bargained, sold and released, and by these Presents do grant, bargain, sell and release unto the said CARLTON F. SMITH, HIS HEIRS AND ASSIGNS FOREVER, the following described real estate, to-wit:

All that certain piece parcel or lot of land situate, lying and being in the City of Beaufort, County of Beaufort, State of South Carolina, and shown and designated as Lot No. 2 of the property of Myrtle V. H. Davison on a plat made by R. D. Trogdon, Sr. under date of September 6, 1935. Said lot may be more particularly bounded and described as follows: NORTH by Laudonville Street, and measuring thereon for a distance of Ninety Three (93) feet; EAST by Lot No. 3 of the property of Myrtle V. H. Davison, and measuring thereon for a distance of One Hundred Forty (140) feet; SOUTH by Lots No. 5 and 6 of the property of Myrtle V. H. Davison, and measuring thereon for a distance of Ninety Three (93) feet; and WEST by Lot No. 1 of the property now or formerly belonging to Grace Loper Till, and measuring thereon for a distance of One Hundred Forty (140) feet.

AND ALSO: ALL those certain pieces, parcels or lots of land situate, lying and being in the City of Beaufort, County of Beaufort, State of South Carolina, and shown and designated as Lots No. 4, 5, 6, and 7 of the property of Myrtle V. H. Davison on a plat made by R. D. Trogdon, Sr., under date of September 6, 1935. Said lots are contiguous and together form one (1) lot which may be bounded and described as follows: NORTH by Lots No. 1, 2, and 3 of the property of Myrtle V. H. Davison, and measuring thereon for a distance of Two Hundred Eighty (280) feet; EAST by Rodgers Street, and measuring thereon for a distance of One Hundred Forty (140) feet; SOUTH by Lafayette Street, and measuring thereon for a distance of Two Hundred Eighty (280) feet; and WEST by Von Harten Street, and measuring thereon for a distance of One Hundred Forty (140) feet.



TOGETHER with all and singular, the Rights, Members, Hereditaments and Appurtenances to the said Premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD all and singular, the said Premises before mentioned unto the said CARLTON F. SMITH, HIS

AND I do hereby bind myself and my Heirs, Assigns,

Executors and Administrators to warrant and forever defend all and singular, the said Premises unto the said

CARLTON F. SMITH, HIS

Heirs and Assigns, against me and my Heirs, and all persons whomsoever lawfully claiming, or to claim the same or any part thereof.

WITNESS my Hand and Seal this 15th day of December

in the year of our Lord one thousand nine hundred and sixty-one and in the one hundred and eighty-sixth year of the Sovereignty and Independence of the United States of America.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF

David S. Stewart Myrtle V. H. Davison (L. S.)
John S. Lewis MYRTLE V. H. DAVISON (L. S.)

AND I do hereby bind myself and my Heirs, Assigns, Executors and Administrators, to warrant and forever defend all and singular, the said Premises unto the said
----- CARLTON F. SMITH, His -----
Heirs and Assigns, against me and my Heirs, and all persons whomsoever lawfully claiming, or to claim the same or any part thereof.

WITNESS my Hand and Seal, this 15th day of December in the year of our Lord one thousand nine hundred and sixty-one and in the one hundred and eighty-sixth year of the Sovereignty and Independence of the United States of America.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF

Gloria C. Petrevitch Myrtle V. H. Davison (L. S.)
Julian S. Levin MYRTLE V. H. DAVISON
(L. S.)

THE STATE OF SOUTH CAROLINA,
BEAUFORT County.

PERSONALLY appeared before me GLORIA C. PETREVITCH
and made oath that s/he saw the within named MYRTLE V. H. DAVISON
sign, seal, and as her act and deed, deliver the within written Deed,
and that s/he with JULIAN S. LEVIN
witnessed the execution thereof.

SWORN to before me, this 15th
day of December A. D. 19⁶¹
Julian S. Levin (SEAL)
Notary Public of South Carolina

Gloria C. Petrevitch

Recorded & Certified
Dec. 15, 1961 - 3:30 P.M.
J. Edgar Sullivan
Clerk of Court
Beaufort, S. C.

RENUNCIATION OF DOWER
(NOT NECESSARY - GRANTOR A WOMAN.)

_____, a Notary Public for South Carolina.

Form 14—Title to Real Estate—Revised 1925

WORTH, CHARLESTON, S. C. 29517-01

DB 72-141

The State of South Carolina
COUNTY OF BEAUFORT

KNOW ALL MEN BY THESE PRESENTS, That

I, BEILA CHRISTENSEN of the City of Beaufort, County of Beaufort

in consideration of the sum of ONE HUNDRED (\$ 100.00) Dollars, to me in hand paid at and before the sealing of these Presents, by MYRTLE V.H. DAVISON, of the City of Beaufort, County of Beaufort in the State aforesaid (the receipt whereof is hereby acknowledged), have granted, bargained, sold, aliened, released, and by these Presents do grant, bargain, sell and release unto the said MYRTLE V.H. DAVISON, her heirs and assigns, the following described real estate, to wit:

The northern 10 feet of the eastern 300 feet of Lot 41, Section 32, Township 1 North, Range 1 West, according to the survey of the United States District Tax Commissioners for the District of South Carolina

To register this form order by number 31143 WALKER, EVANS & COWSELL COMPANY - Telephone 33711 Charleston, S.C.

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging, or in anywise incident or appertaining TO HAVE AND TO HOLD, all and singular, the said premises before mentioned unto the said

Myrtle V.H. Davison, her Heirs and Assigns forever

AND I do hereby bind myself and my Heirs, Executors and Administrators to warrant and defend, all and singular, the said premises unto the said MYRTLE V.H. DAVISON, her Heirs and Assigns against us and my Heirs and all persons whatsoever lawfully claiming or to claim the same, or any part thereof.

WITNESS my Hand and Seal, this 7th day of April in the year of our Lord one thousand nine hundred and forty-one, and in the one hundred and seventy-fifth year of the

Sovereignty and Independence of the United States of America.

Signed, Sealed and Delivered in the Presence of:
James F. Dickinson Beila Christensen (L.S.)
J.D. Levin (L.S.)

THE STATE OF SOUTH CAROLINA, Beaufort County Personally appeared before me James F. Dickinson and made oath that he saw the within named Beila Christensen sign, seal and as his act and deed, deliver the within written Deed and that he with J.D. Levin witnessed the execution thereof. SWORN to before me this 7th day of April, A. D. 1941 James F. Dickinson Notary Public for South Carolina

THE STATE OF SOUTH CAROLINA, Beaufort County RENUNCIATION OF DOWER I, William H. Levin, a Notary Public for South Carolina do hereby certify unto all whom it may concern that Mrs. Eleanor W. Christensen wife of the within named Beila Christensen did this day appear before me, and upon being separately examined by me, did declare that she does freely, voluntarily and without any compulsion, dread or fear of any person or persons whatsoever, renounce, release and forever relinquish unto the within named MYRTLE V.H. DAVISON, her Heirs and Assigns, all her interest and estate, and also all her right and claim of Dower of in to all and singular the premises within mentioned and released. Given under my hand and seal, this 7th day of April, A. D. 1941 Eleanor W. Christensen William H. Levin Notary public for South Carolina Recorded and certified, this 5th day of April 1941 Anna H. Rogers Deputy C.C.C.P.

The State of South Carolina
COUNTY OF BEAUFORT

KNOW ALL MEN BY THESE PRESENTS, THAT I, JOHN A. SHEPARD, of the City of Beaufort, County of Beaufort,

in consideration of the sum of 200 THOUSAND DOLLARS TWO HUNDRED & NO/100 (\$2,000.00) DOLLARS
to me in hand paid and before the signing of these Presents by MYRTLE V. E. DAVIDSON, of the City of Beaufort, County of
Beaufort, (the receipt whereof is hereto acknowledged), have granted, bargained, sold, alien-
ed, released and by these Presents do grant, bargain, sell and release unto the said MYRTLE V. E. DAVIDSON, her HEIRS and ASSIGNS, the following
described real estate to wit:

All that certain piece, parcel or lot of land, situate, lying and being in Lot 40 of Section 32, Township 1 North
of the Beaufort Base Line and Range 1 West of the St. Helena Meridian, according to the survey of the United
States Direct Tax Commissioners for the District of South Carolina, and being more particularly bounded and de-
scribed as follows, to wit: on the NORTH by a range of 100 Feet on the East side of the said range 100 Feet street
and lands of Niels Christensen; and on the SOUTH and WEST by lands now or formerly of Niels Christensen; said
lot may be further described as the eastern 300 feet of lot 40 of Section 32, Township 1 North of the Beaufort
Base Line and Range 1 West of the St. Helena Meridian, and measures 300 Feet on its Northern and Southern boundaries
621.6 Feet, more or less, on its Eastern boundary and 503 Feet, more or less, on its Western boundary, and is the
same property heretofore conveyed to me, the said John A. Shepard, by Niels Christensen by his Deed dated the 5th
day of April, 1918, and recorded in the Office of the Clerk of Court for Beaufort County, South Carolina, in Book
66 of Deeds, at Page 406.

TOGETHER with, all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging, or in anywise incident or appertaining,
TO HAVE AND TO HOLD, all and singular, the said premises before mentioned unto the said
MYRTLE V. E. DAVIDSON, her
Heirs and Assigns forever

AND I, _____ do hereby bind myself and my _____ Heirs, Executors and Administrators, to warrant and forever
defend all and singular, the said premises unto the said MYRTLE V. E. DAVIDSON, her
Heirs and Assigns against _____ and _____ Heirs _____ and all persons whatsoever
lawfully claiming or to claim the same, or any part thereof.

WITNESS my _____ Hand and Seal, this 2ND day of JANUARY in the year of our Lord one thousand
1919 hundred and 1919 and in the one hundred and seventy-fifth year of the
Sovereignty and Independence of the United States of America.

Signed, Sealed and Delivered in the Presence of:
C. C. NICHOLS (\$5.00 U.S. Stamp) JOHN A. SHEPARD (I. S.)
WILLIAM H. LEVIN (\$2.75 U.S. Stamp) (I. S.)

THE STATE OF SOUTH CAROLINA
BEAUFORT County Personally appeared before me O. C. NICHOLS and made
oath that he saw the within named JOHN A. SHEPARD sign, seal and at
his act and deed, deliver the within written Deed and that he with WILLIAM H. LEVIN witnessed the execution thereof.

SWORN to before me this 2nd day of
JANUARY A. D. 1919 O. C. NICHOLS

(SEAL) WILLIAM H. LEVIN (SEAL)
Notary Public for South Carolina.

THE STATE OF SOUTH CAROLINA
BEAUFORT County

WILLIAM H. LEVIN, a NOTARY PUBLIC for SOUTH CAROLINA, do hereby certify to all whom
it may concern that ESSIE O. SHEPARD, wife of the within named JOHN A. SHEPARD
did this day appear before me, and upon being privately examined by me, did declare that she did freely, voluntarily and without any compulsion, threat or fear of any
person or persons whatsoever, renounce, release and forever relinquish unto the within named MYRTLE V. E. DAVIDSON, her
Heirs and Assigns, all her interest and estate, and also all her right and claim of Dower of, in or to all and singular the premises within mentioned and released

Given under my hand and seal, this 2nd day of
JANUARY A. D. 1919 ESSIE O. SHEPARD

(SEAL) WILLIAM H. LEVIN (SEAL)
NOTARY PUBLIC for SOUTH CAROLINA

Recorded and certified, this 2nd day of JANUARY 1919
Oliver G. Rodgers
Deputy C. C. C.

To transfer this form into a book by name THE WALKER EVANS & COMPANY - Telephone 5197, Charleston, S. C.

The State of South Carolina,

COUNTY OF BEAUFORT

KNOW ALL MEN BY THESE PRESENTS, That I, ELEANOR CHRISTENSEN

In consideration of the sum of FIVE DOLLARS AND OTHER VALUABLE CONSIDERATION, VIZ LOVE & AFFECTION, DOLLARS

in the State aforesaid (the receipt whereof is hereby acknowledged), have granted, granted, sold and released, and by these presents do grant, bargain, sell and release unto the said NIELS CHRISTENSEN, HIS HEIRS AND ASSIGNS FOREVER,

the following described Real Estate, to-wit: All that property located in the City of Beaufort, County of Beaufort and State of South Carolina, in the section of the City of Beaufort known as Beaufort Shores, Pigeon Point and North Beaufort, which was acquired by me, the said Eleanor H. Christensen by deed from William N. Levin dated October 11, 1947 and recorded in the Office of the Clerk of Court for Beaufort County, South Carolina in Deed Book page This property includes the following described land and other land: All those certain piece, parcels or lots of land, situate, lying and being in the City of Beaufort, State of South Carolina in the section of said city known as Beaufort Shores and described on a plat made by Arthur O. Christensen dated February, 1947 and recorded in Plat Book 6, page 67 as Lots 35, 36, 37, 39, and 43 in Block E; also Lots 8, 17, 18, 19, 20, 21, 22, 25, 31, 37, 38, 39, 40, 41, 42, 43 in Block W; also lots 1, 2, 3, 4, 10, 11 and 12 in Block I and ALSO: All that piece, parcel or lot of land situate, lying and being in the City of Beaufort, County of Beaufort, State of South Carolina, known and designated on a plat made by the United States Direct Tax Commissioners for the District of South Carolina, as Lot Forty (40) and Forty one (41) in Section 32, Township One (1) North, Range One (1) West of the Beaufort Base Line and Lot Forty eight (48) in Section 31 Township One (1) North, Range One (1) West of the Beaufort Base Line, less and except one (1) acre in the southwest corner of said Lot Forty eight (48), which acre is in the form of a rectangle, measuring 350 feet North and South and 140 Feet east and west. AND ALSO: All those certain pieces, parcels or tracts of land, situate, lying and being in the City of Beaufort, County of Beaufort, State of South Carolina, known and designated on a plat made by the United States Direct Tax Commissioners for the District of South Carolina as Lot 47 and Lot 34 in Section 31, Township One (1) North Range One (1) West, said Lot forty seven (47) containing ten (10) acres and said lot 34 containing Three (3) acres, more or less.

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining TO HAVE AND TO HOLD, all and singular, the said premises before mentioned unto the said NIELS CHRISTENSEN, HIS

AND I do hereby bind MYSELF AND MY HEIRS, Executors and Administrators, to warrant and forever defend, all and singular, the said premises unto the said NIELS CHRISTENSEN, HIS HEIRS AND ASSIGNS against ME and MY HEIRS and against every person whomsoever lawfully claiming or to claim the same, or any part thereof.

WITNESS my hand and Seal, this 6th day of October in the year of our Lord one thousand nine hundred and forty seven, and in the one hundred and seventy second year of the

Sovereignty and Independence of the United States of America. Signed, Sealed and Delivered in the Presence of: Frederick D. Mitchell Eleanor H. Christensen (L. S.) Alphere Jennings (L. S.)

THE STATE OF SOUTH CAROLINA, Beaufort County. Personally appeared before me Frederick D. Mitchell and made oath that he saw the within named Eleanor H. Christensen sign and seal as her act and deed, deliver the within written Deed and that he witnessed the execution thereof. SWORN to before me this 6th day of October A. D. 1947. Frederick D. Mitchell, Notary Public of S. C.

THE STATE OF SOUTH CAROLINA, County. RENUNCIATION OF DOWER. I, NOT NECESSARY GRANTEE A WOMAN do hereby certify unto all whom it may concern that My wife of the within named did this day appear before me, and upon being privately examined by me, did declare that she does freely, voluntarily and without any compulsion, dread or fear of any person or persons whomsoever, renounce, release and forever relinquish unto the within named Heirs and Assigns, all her dower and estate, and also all her right and claim of Dower, in or to all and singular the premises within mentioned and recited. Given under my hand and seal, this day of A. D. 19

Recorded and certified, this 7 day of October 1947. Clara G. Radgere Deputy C.C.C.



BEAUFORT COUNTY TREASURER

PO DRAWER 487
BEAUFORT, SC 29901-0487

2011 BEAUFORT COUNTY
PROPERTY TAX BILL

FORWARDING SERVICE REQUESTED

***** IMPORTANT*****
Personal checks will NOT be accepted for
payment made after 03/15/2012.
If your mortgage is paid off, please
notify the Treasurer's office.
If you paid your 2011 taxes by
installment, this is for the balance due.

Barcode

CITY OF BEAUFORT
1911 BOUNDARY ST
BEAUFORT SC 29902

2010 TAX/FEEs: \$ 24.70
2011 INSTALLMENT PAYMENTS: \$ 0.00

Table with columns: TAX YEAR, ALT ID, PROPERTY ID, DISTRICT, DESCRIPTION, PROPERTY TYPE, PROPERTY CLASS CODE, MORTG ID, RATIO, ACRES. Includes property details for 1403 LAFAYETTE ST.

Table: OUTSTANDING RECAP. Columns: TAX YEAR, TAX DUE, PENALTY, TREASURER FEES, TOTAL. Shows 2011 total of 24.70.

Table: ACCOUNT INFORMATION. SEE BACK OF NOTICE FOR DEFINITION OF THE ACCOUNT ITEMS LISTED BELOW. Includes MARKET VALUE, TAXABLE VALUE, etc.

WHERE YOUR TAX DOLLARS GO
THE AMOUNT OF MONEY FROM YOUR 2010 PROPERTY TAX BILL THAT GOES TOWARD EACH TAX FUND IS CALCULATED BY TAKING THE ASSESSED VALUE TIMES THE MILLAGE, EXCEPT WHEN THERE IS A FLAT FEE APPLIED.

Table: WHERE YOUR TAX DOLLARS GO. Columns: DESCRIPTION, MILLAGE, ASSESSED VALUE, TAX/FEE. Lists SCHOOL, STORMWATER FEE, and TOTALS.

Table: HOW YOUR TAXES ARE CALCULATED. Shows calculations for (TAXABLE VALUE), (ASSESSMENT RATIO), (TAX AMOUNT), and TOTAL AMOUNT DUE of \$24.70.

Return this stub with payment
2011 BEAUFORT COUNTY PROPERTY TAX BILL

Table with columns: TAX YEAR, ALT ID, PROPERTY ID, REV OBJ ID, PROPERTY ADDRESS, TOTAL DUE. Shows 2011 total of \$24.70.

OWNER AS OF JAN 1, 2011: CITY OF BEAUFORT

SEE REVERSE SIDE FOR FURTHER (PAYMENT & CONTACT) INFORMATION & PROCEDURES.

PAYABLE NOW THROUGH Jan 15, 2012... \$24.70
THEN PENALTIES APPLY...
IF RECEIVED AFTER Jan 15, 2012 (3%) \$25.44
IF RECEIVED AFTER Feb 01, 2012 (10%) \$27.17
IF RECEIVED AFTER Mar 16, 2012 (15%) \$28.40
IF RECEIVED AFTER Mar 31, 2012 (\$75) \$103.40
IF RECEIVED AFTER Aug 31, 2012 (\$50) \$153.40

INCLUDE YOUR NAME, ADDRESS, PHONE NUMBER, ALT. ID, AND THE REV OBJ ID ON YOUR CHECK.

MAKE CHECK PAYABLE TO BEAUFORT COUNTY TREASURER AND REMIT TO:

CITY OF BEAUFORT
1911 BOUNDARY ST
BEAUFORT SC 29902

BEAUFORT COUNTY TREASURER
PO DRAWER 487
BEAUFORT, SC 29901-0487

00002021310000002470000000247000000024700000002470



SWU ONLY-S

PIN: **R120 002 000 0093 0000** TAG: **120-BEAUFORT CITY**
 AIN: **00202131** TIF:
 Status: **Active** County: **07-Beaufort**
 Geocode: Case:
 Rev acct: **0000202131** Pmt pln:
 Tax sale: ACH pln:

Current owner: **CITY OF BEAUFORT**
 Ownership type: **Fee Simple Ownership**
 Situs address: **1403 LAFAYETTE ST**
 Description: **S 1/2 DAVIDSON S/D COR ROD...**
 Class: **ResVac Platted&Unplatted**
 Roll type: **Real**

Year/Bill 2011-1315096-A | ****PROPERTY TAX BILL**** | |

Bill type:	Original	Actual	Owner of record:	Total Due
Bill dates:	<u>November 04, 2011</u>		CITY OF BEAUFORT 1911 BOUNDARY ST BEAUFORT SC 29902	12/19/2011
Amount:				Bill 2011-1315096 \$24.70 Inst 1-January 19
Paid date:			Communication:	Total Current \$24.70
Receipt:				Delinquent \$0.00
Sequence no:	0			Adv/Surplus \$0.00
Paid by:				Total Due \$24.70

Description: **S 1/2 DAVIDSON S/D COR RODGERS & LAFAYETTE**

Charge Summary			
Gross Tax	Credits	Net Tax	Tax Savings
24.70	0.00	24.70	0.00
			Total Credits/Savings
			0.00

Values/Exemptions	
AppAcres	0.8900 None
Class	1.0000 None
Appraised	500 USD
MHValue	0
UseAcres	0
HmstQualVal	0
MktAcres	0.8900 Acres
DevDisAmount	0



SWU ONLY-S

PIN: **R120 002 000 0093 0000** TAG: **120-BEAUFORT CITY**
 AIN: **00202131** TIF:
 Status: **Active** County: **07-Beaufort**
 Geocode: Case:
 Rev acct: **0000202131** Pmt pln:
 Tax sale: ACH pln:

Current owner: **CITY OF BEAUFORT**
 Ownership type: **Fee Simple Ownership**
 Situs address: **1403 LAFAYETTE ST**
 Description: **S 1/2 DAVIDSON S/D COR RO(...)**
 Class: **ResVac Platted&Unplatted**
 Roll type: **Real**

Filter by Tax year All Both Bill type Go

Bill Detail AS 12/19/2011 *PROPERTY TAX BILL*

<input type="checkbox"/>	Year	Bill No	Bill Type	Net	Fee	Penalty	Interest/Disc	Amt Paid	Amt Due
<input type="checkbox"/>	2011	1315096-A	Original	24.70	0.00	0.00	0.00	0.00	24.70
<input type="checkbox"/>	2010	667585-A	Original	24.70	0.00	0.00	0.00	24.70	0.00
<input type="checkbox"/>	2009	116401-A	Original	16.88	0.00	0.00	0.00	16.88	0.00
<input type="checkbox"/>	2008	00202131-A	Original	16.88	0.00	0.00	0.00	16.88	0.00
<input type="checkbox"/>	2007	00202131-A	Original	16.88	0.00	0.00	0.00	16.88	0.00

Allocations		Charges	Paid	Due
AllocateTo				
2011-1315096-A		\$24.70	\$0.00	\$24.70



SWU ONLY-S

PIN: **R120 002 000 0093 0000** TAG: **120-BEAUFORT CITY** Current owner: **CITY OF BEAUFORT**
 AIN: **00202131** TIF: County: **07-Beaufort** Ownership type: **Fee Simple Ownership**
 Status: **Active** Case: Situs address: **1403 LAFAYETTE ST**
 Geocode: Description: **S 1/2 DAVIDSON S/D COR RO(...)**
 Rev acct: **0000202131** Pmt pln: ACH pln: **Real**
 Tax sale:

Filter

Date from: Date to: Type: Year: Bill no: Rcpt no: Go

Date	Type	Tax Year	Bill No	Rcpt No	Net Amt
11/4/2011	Original Charge	2011	1315096		24.70
10/24/2010	Original Charge	2010	667585		24.70
12/31/2010	Payment	2010	667585	U10.146945	-24.70
11/9/2009	Original Charge	2009	116401		16.88
12/31/2009	Payment	2009	116401	U09.52934	-16.88
10/11/2008	Original Charge	2008	00202131		16.88

Charge Allocations

Inst_TAG	TaxAuth	Fund	ChrgCd	SubCd	Tax	Fee	Penalty	Interest	Amount
Installment 1					\$24.70	\$0.00	\$0.00	\$0.00	\$24.70
TOTAL					\$24.70	\$0.00	\$0.00	\$0.00	\$24.70

EXHIBIT C

Sector One Civic Master Plan: 1403 Lafayette Street

VACANT BLOCKS NEAR BASIL GREEN PARK

Just to the northwest of Basil Green Park is a large vacant lot currently owned by the City. The plan below shows how this lot can be subdivided into multi-family residential units to capitalize on the excellent location for young families near the park.



1403 LAFAYETTE STREET CONCEPTUAL PLAN for MULTIFAMILY HOUSING
SCALE: 1" = 50'



EXHIBIT D

Beaufort County 2011 Area Median Incomes (AMI) and Maximum Affordable Mortgages by Household Size

2011 AREA MEDIAN INCOMES (AMI) BY HOUSEHOLD SIZE BEAUFORT COUNTY								
# Occupants	1	2	3	4	5	6	7	8
120% of AMI	57,960	66,240	74,520	82,680	89,400	96,000	102,600	109,200
100% of AMI	48,300	55,200	62,100	68,900	74,500	80,000	85,500	91,000
80% of AMI	38,600	44,100	49,600	55,100	59,550	63,950	68,350	72,750
50% of AMI	24,150	27,600	31,050	34,450	37,250	40,000	42,750	45,500
30% of AMI	14,500	16,550	18,600	20,650	22,350	24,000	25,650	27,300

"Area Median Income" (AMI) shall mean the income point at which one half of the incomes in a designated area fall below and one half falls above. The U. S. Department of Housing and Urban Development (HUD) uses the area median income to calculate household eligibility for a variety of housing programs. HUD estimates the median family income for metropolitan and non-metropolitan areas and adjusts that amount for different family sizes so that family incomes may be expressed as a percentage of the area median income. For example, a family's income may equal 80 percent of the area median income, a common maximum income level for participation in HUD programs. HUD periodically updates the area median income estimates.

** MAXIMUM AFFORDABLE MORTGAGES BY HOUSEHOLD SIZE BEAUFORT COUNTY								
# Occupants	1	2	3	4	5	6	7	8
120% of AMI	173,880	198,720	223,560	248,040	268,200	288,000	307,800	327,600
100% of AMI	144,900	165,600	186,300	206,700	223,500	240,000	256,500	273,000
80% of AMI	115,800	132,300	148,800	165,300	178,650	191,850	205,050	218,250
50% of AMI	72,450	82,800	93,150	103,350	111,750	120,000	128,250	136,500
30% of AMI	43,500	49,650	55,800	61,950	67,050	72,000	76,950	81,900

** MAXIMUM AFFORDABLE MORTGAGE = income limit * 3. In the United States, a commonly accepted rule of thumb for housing affordability is that the maximum mortgage should not exceed three times a household's gross annual income.

** MAXIMUM AFFORDABLE RENTS BY HOUSEHOLD SIZE BEAUFORT COUNTY								
# Occupants	1	2	3	4	5	6	7	8
120% of AMI	1,449	1,656	1,863	2,067	2,235	2,400	2,565	2,730
100% of AMI	1,208	1,380	1,553	1,723	1,863	2,000	2,138	2,275
80% of AMI	965	1,103	1,240	1,378	1,489	1,599	1,709	1,819
50% of AMI	604	690	776	861	931	1,000	1,069	1,138
30% of AMI	363	414	465	516	559	600	641	683

** MAXIMUM AFFORDABLE MONTHLY HOUSING COSTS = income limit / 12 * .30. In the United States, a commonly accepted guideline for housing affordability is a housing cost that does not exceed 30% of a household's gross income. Housing costs considered in this guideline generally include taxes and insurance for homeowners and utility costs for renters.

2011 FAIR MARKET RENTS BY UNIT SIZE BEAUFORT COUNTY					
Unit Size	Efficiency	One-Bedroom	Two-Bedroom	Three-Bedroom	Four-Bedroom
Fair Market Rents	\$667	\$803	\$908	\$1,107	\$1,176

Fair Market Rents (FMRs) are gross rent estimates. They include the shelter rent plus the cost of all tenant-paid utilities, except telephones, cable or satellite television service, and internet service. HUD sets FMRs to assure that a sufficient supply of rental housing is available to program participants.

FMRs are primarily used to determine payment standard amounts for the Housing Choice Voucher program, to determine initial renewal rents for some expiring project-based Section 8 contracts, to determine initial rents for housing assistance payment (HAP) contracts in the Moderate Rehabilitation Single Room Occupancy program (Mod Rehab), and to serve as a rent ceiling in the HOME rental assistance program.

EXHIBIT E
Development Design Exceptions Ordinance Amendment

ORDINANCE

AMENDING THE CITY OF BEAUFORT UNIFIED DEVELOPMENT ORDINANCE TO ADD A NEW SECTION 3.17 PERTAINING TO DEVELOPMENT DESIGN EXCEPTIONS, AND TO DELETE SECTION 9.4.E PERTAINING TO NONCONFORMING LOTS OF RECORD

WHEREAS, waivers to the Unified Development Ordinance are currently obtained through an Administrative Adjustment or a variance; and

WHEREAS, Administrative Adjustments only permit variations of up to 10% of certain development standards; and

WHEREAS, variances can only be granted when certain findings are made by the Zoning Board of Appeals; and

WHEREAS, state law has set a fairly high standard for the determination of these variance findings; and

WHEREAS, the current ordinance does not permit the creation of new lots that do not meet the lot area and lot width standards set out in the ordinance, whether through an Administrative Adjustment or a variance; and

WHEREAS, staff has developed an ordinance that establishes a new process for permitting exceptions to certain development standards in the ordinance; and

WHEREAS, staff has recommended that the restriction of the creation of nonconforming lots be removed from the ordinance; and

WHEREAS, this amendment has been presented to the Beaufort--Port Royal Metropolitan Planning Commission and the Commission recommended approval; and

WHEREAS, a public hearing before the Beaufort City Council was held regarding this ordinance amendment on September 13, 2011, with notice of the hearing published in *The Beaufort Gazette* on August 29, 2011;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Beaufort, South Carolina, duly assembled and by authority of same, pursuant to the power vested in the Council by Section 6-29-760, *Code of Laws of South Carolina, 1976*, that *The Unified Development Ordinance of the City of Beaufort, South Carolina* be amended as follows:

1. Add a new Section 3,17, "Development Design Exceptions," renumbering the existing sections as appropriate:

Section 3.17 DEVELOPMENT DESIGN EXCEPTIONS

A. Purpose

Development Design Review Exceptions shall be used to modify certain dimensional standards or design requirements set forth in this UDO for sites or development proposals that have unique characteristics that justify a deviation from the underlying standards. Such deviations are intended to provide for the relaxation of certain standards so as to permit a compatible development pattern to occur using an innovative approach or technique. This process is intended to provide for the minimum relief necessary to create a more innovative and more context-sensitive development consistent with the City's goals and plans. This tool is not intended to circumvent the map amendment (rezoning) where that tool would provide a similar modification of standards.

B. Applicability

The Historic District Review Board or the Design Review Board, as appropriate, shall have the authority to authorize variance of up to 35 percent from any numerical standard set forth in Article 6 of this UDO, except for any standards in Section 6.7, Air Installation Compatibility Use Zone. This procedure shall apply to development projects that are no greater than two acres in size.

C. Application

A development design exception application form as published by the Administrator and appropriate fee as required by Section 3.1 shall be required, along with such accompanying material as is required to ensure compliance with the criteria listed below.

D. Approval Process

1. Staff Review and Report

The Administrator shall prepare a staff report that reviews the proposed development in light of the Comprehensive Plan, the review criteria listed below, and the requirements of this UDO. A copy of the report shall be provided to the Design Review Board or Historic District Review Board as appropriate, and the applicant before the scheduled hearing.

2. Mailed Notice

A courtesy notice of any Special Exception Application shall be provided by US Mail to all property owners within 200 feet of the subject property. Failure to provide such notice shall not be considered a jurisdictional defect, provided that published notice in accordance with Section 3.1 has been provided.

3. Action by Review Board

- a. Following posted and mailed notice in accordance with Section 3.1 Approval Procedures, the appropriate review board shall hold a public hearing on the Development Design Exception application.

- b. After review of the application and the public hearing, the review board shall make a written finding and approve, approve with modifications or conditions, or disapprove the request.
- c. If approval, or approval with modifications or conditions is granted, the decision shall be communicated in writing within 15 days to the applicant, and the applicant shall then be authorized to submit a development permit application consistent with this ordinance.

E. Development Design Exception Review Criteria

The Design Review Board or Historic District Review Board as appropriate, may approve an application for a Development Design Exception where it reasonably determines that there will be no significant negative impact upon residents of surrounding property or upon the general public. The Board shall consider the following criteria in its review:

- (a) *Compatibility.* The proposed exception is appropriate for its location and compatible with the character of surrounding lands and the development permitted in the zoning district(s) of surrounding lands, and will not reduce property values of surrounding lands.
- (b) *Design does not have substantial adverse impact.* The design of the proposed exception minimizes adverse effects including visual impacts of the proposed use on adjacent lands; furthermore, the proposed special exception does not impose significant adverse impact on surrounding lands regarding service delivery, parking and loading, odors, noise, glare, vibration, and does not create a nuisance.
- (c) *Consistency with Adopted Plans.* The proposed development is in general conformity with the City’s Comprehensive Plan and other plans officially adopted by the City.

F. Conditions

The review board may impose such conditions and restrictions upon the application as may be necessary to minimize or mitigate any potential adverse impacts of the proposed use.

G. Appeal

Any party aggrieved by the review board’s decision may appeal such determination to the Circuit Court of Beaufort County by filing with the Clerk of the Court a written petition within 30 days after the decision of the Board is postmarked, in accordance with the procedures found in Section 3.18 of this UDO.

2. Delete the current Section 9.4.E, “Nonconforming Lots of Record.”

This ordinance shall become effective immediately upon adoption.

(SEAL)

Attest:

BILLY KEYSERLING, MAYOR

IVETTE BURGESS, CITY CLERK

1st Reading

2nd Reading & Adoption

Reviewed by:

WILLIAM B. HARVEY, III, CITY ATTORNEY