



## MEMORANDUM

**TO:** Mayor Gregg and Members of Town Council  
**FROM:** Joseph M. Cronin, Town Administrator  
**SUBJECT:** PUD Amendment: Village at Seabrook  
**MEETING DATE:** February 25, 2020

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Council is asked to review and approve an ordinance to amend the Planned Unit Development (PUD) ordinance for the Village at Seabrook subdivision.

The original PUD for the Village at Seabrook, previously known as “Area Six” or the “Lake Entry Tract,” was originally adopted by Town Council on February 22, 2000 (Ord. 2000-01). The PUD ordinance was subsequently amended by Council on June 5, 2000 (Ord. 2000-08). A final subdivision plat was recorded in December of 2001, and construction of new residential units began shortly thereafter.

Because the Village was developed as a PUD, it is subject to a variety of project-specific zoning requirements. Among these are the following setback requirements, which were incorporated into the concept plan attached as Exhibit B to Ordinance 2000-08:

- Front Yard Setback: 30 feet
- Side Yard Setback: 15-foot separation between structures
- Rear Yard Setback: 25 feet (15 feet for open decks when abutting open space areas)

One of the primary concerns raised by some residents in the Village has been the absence of a defined side yard setback requirement. In June of 2019, the Zoning Administrator issued a written determination that the current PUD ordinance does not establish a minimum side yard setback and, instead, requires only a 15-foot separation between structures. For example, if one home is located 5 feet from the line, the neighboring lot owner would need to observe a 10-foot setback; the owner of a lot where a neighboring home was built on the property line (zero setback) would need to observe a 15-foot setback, etc. A resident of the Village at Seabrook regime subsequently filed an appeal of this determination. The Board of Zoning Appeals considered this appeal on August 15, 2019, at which time they unanimously upheld the Zoning Administrator’s determination.

In the event of conflict between the PUD ordinance and the DSO, the PUD ordinance contains a provision that more restrictive requirement shall prevail. Over time, there have been several text amendments to loosen the requirements of the DSO. One of these amendments allows uncovered steps to encroach up to 10’ into the required front yard setback. Another amendment allows a reduced front yard setback along secondary street frontages for corner lots. Because the Village PUD was never amended to incorporate these changes, the PUD is more restrictive and, therefore, should control. However, previous Zoning Administrators have applied the requirements of the DSO (as

amended) to new development within the Village, even though they conflict with the more restrictive requirements of the PUD ordinance.

The Village PUD also contains a provision which incorporates the regime's private covenants and restrictions into the ordinance as Exhibit C. This is a highly unusual situation which has caused additional confusion. For example, the covenants and restrictions require architectural review and approval by the Planning Commission, even though detached single-family residences are exempt by the DSO. Inclusion of the covenants and restrictions into the PUD ordinance also creates confusion as to whether the regime can unilaterally amend its private covenants, or whether the town must also amend the PUD ordinance for those changes to take effect.

For these reasons, Town Council requested in late 2019 that the Planning Commission review and prepare a draft ordinance to amend the requirements of the Village PUD. The attached ordinance, if adopted, will accomplish the following:

- Incorporate a provision from the current DSO to allow corner lots fronting a cul-de-sac street to take advantage of a reduced front yard setback (20 feet) along the secondary street frontage;
- Incorporate a provision from the current DSO to allow uncovered front steps to encroach into a front yard setback;
- Establish a minimum side yard setback of 7.5 feet, unless, however, a structure on a neighboring lot is situated less than 7.5 feet from the shared side property line. In such instances, a larger setback will be required to ensure that no two structures are situated less than 15 feet apart;
- Incorporate a provision from the current DSO to allow a reduced rear yard setback for uncovered decks when the lot abuts an open space area;
- Clarify the rear yard setback requirement for pie-shaped lots which do not have a defined rear property line;
- Clarify that corner lots are defined to have two front yards and two side yards, consistent with the requirements of the DSO;
- Remove the private covenants and restrictions for the Village at Seabrook regime from the text of the PUD ordinance;
- Exempt single-family detached residential units in the Village from the architectural review requirements of Section 14 of the DSO, as long as the architectural plans have been reviewed and approved by a duly constituted architectural review board (similar to all other single-family homes); and
- Specify that in the event of conflict between the PUD ordinance and the Town Code and/or DSO, the provisions of the PUD ordinance shall prevail.

### **Staff Recommendation**

While the majority of these changes may be considered minor "clarifications" or "updates" to bring the PUD into conformity with the DSO, there will inevitably be some impacts to existing property owners.

To date, there have been 57 homes completed in the Village. Of these, a total of 23 (40.4%) contain at least one side yard setback that is less than 7.5 feet. As a result, these 23 homes will become non-

conforming with the requirements of the amended PUD ordinance. Of these, a total of 10 are made non-conforming only as a result of an HVAC or generator stand being located within the 7.5-foot side yard setback (ie. the principal structure is at least 7.5 feet from the property line).

While any existing home would be considered existing non-conforming (ie. “grandfathered”), any modifications and/or improvements to those homes in the future (including additions, accessory structures, new or enlarged HVAC and generator stands) would need to conform to the new setback requirements. (The ordinance does however contains a provision that allows a non-conforming HVAC or generator stand to be rebuilt within its existing footprint.) Therefore, this ordinance has the *potential* to create a future hardship for the owners of those 23 non-conforming homes.

On the other hand, the imposition of a 7.5 minimum side yard setback creates more certainty for the owners of vacant lots, as well as those abutting vacant lots. These amendments will ensure that all new structures (as well as modifications to existing structures) will be located at least 7.5 feet from a shared property line. In the event there is an existing home on a neighboring lot which is less than 7.5 feet from the shared property line, a larger setback would still be required to ensure that no two structures will be situated less than 15 feet apart.

This ordinance has been prepared at the request of the Mayor and Council and, therefore, is a policy decision of Council.

#### **Planning Commission Recommendation**

The Planning Commission reviewed the draft ordinance during its regularly scheduled meeting on January 8, 2019. While the Planning Commission expressed concern about the potential impact to existing residences which would be made non-conforming by this ordinance, the Commission recommended in favor of **APPROVAL** of the ordinance by a vote of 5-0.

Respectfully submitted,



Joseph M. Cronin  
Town Administrator

**TOWN OF SEABROOK ISLAND**

**ORDINANCE NO. 2020-01**

**ADOPTED \_\_\_\_\_**

**AN ORDINANCE ADOPTING A SECOND AMENDMENT TO THE PLANNED UNIT DEVELOPMENT FOR THE VILLAGE AT SEABROOK (FORMERLY KNOWN AS "AREA SIX" AND THE "LAKE ENTRY TRACT")**

**WHEREAS**, on February 22, 2000, the Mayor and Council for the Town of Seabrook Island adopted Ordinance 2000-01, entitled "An Ordinance to Adopt a Planned Unit Development Within Area Six (Lake Entry Tract)"; and

**WHEREAS**, on June 5, 2000, the Mayor and Council for the Town of Seabrook Island adopted Ordinance 2000-08, entitled "An Ordinance to Amend the Planned Unit Development Within Area Six for the Lake Entry Tract (Developed as the Village at Seabrook)"; and

**WHEREAS**, the Mayor and Council for the Town of Seabrook Island now wish to amend the Planned Unit Development ordinance for Lake Entry Tract, now known as the "Village at Seabrook," so as to modify the setback requirements and other development standards related to the Village at Seabrook; and

**WHEREAS**, the Mayor and Council for the Town of Seabrook Island believe it is fitting and proper to amend the requirements of the Planned Unit Development for the Village at Seabrook so as to clarify and standardize the requirements for future development; and

**WHEREAS**, the Mayor and Council for the Town of Seabrook Island advertised and held a public hearing on the proposed amendments during a duly called meeting on February 25, 2020, with public comments duly noted;

**NOW, THEREFORE**, pursuant to the authority granted by the Constitution and the General Assembly of the State of South Carolina, **BE IT ORDAINED BY THE MAYOR AND COUNCIL FOR THE TOWN OF SEABROOK ISLAND:**

**SECTION 1. Purpose**

This ordinance is adopted to amend the Planned Unit Development for the Village at Seabrook (formerly known as "Area Six" and the "Lake Entry Tract"), which was established by Ordinance 2000-01 on February 22, 2000, and amended by Ordinance 2000-08 on June 5, 2000.

**SECTION 2. PUD Amended**

The ~~Lake Entry Tract~~ Village at Seabrook PUD (Application #1739 as amended) (Exhibit A) is hereby approved and adopted. The approved amendments to the application which shall constitute the PUD for this property are shown on the map attached as Exhibit B and incorporated herein by reference; provided, however, the Land Use Summary contained within the attached Exhibit B is hereby amended to read as follows:

## LAND USE SUMMARY

**TMS #:** [Formerly known as](#) 147-00-00-009

**Total Area (Including Lake):** 42.219 AC

- Common Area and Lake: 8.33 AC
- Seabrook Island Road: 2.5 AC
- Residential: 22.84 AC
- Buffers: 3.0 AC
- Residual Tract (Ground Lease): 5.54 AC

**Proposed Land Use:** Detached Multi-Family Residential

**Minimum Lot Size:** 6,000 S.F.

**Maximum Lot Coverage:** 40%

**Setbacks:** ~~30' Front~~  
~~15' Side (To Total 15')~~  
~~25' Rear~~

- Front Yard Setbacks: The minimum front yard setback shall be 30 feet from the street right-of-way; provided, however:
  - For corner lots wherein one street frontage is a cul-de-sac street, the minimum front yard setbacks shall be 30 feet from the cul-de-sac street right-of-way and 20 feet from the intersecting street right-of-way; and
  - Uncovered front steps may extend into a front yard setback, but must be set back at least 20 feet from the street right-of-way.
- Side Yard Setbacks: The minimum side yard setback shall be 7.5 feet from all side property lines; provided, however:
  - In instances where an existing structure on a neighboring lot is situated less than 7.5 feet from the shared property line, a larger setback shall be required in order to ensure a minimum separation of at least 15 feet between structures; and
  - Accessory structures, including but not limited to HVAC and generator equipment and associated stands, which were lawfully in existence as of February 25, 2020, may be replaced; provided, no part of the new equipment and/or stand may be situated any closer to the side property line than the equipment and/or stand which it will replace; and provided, the replacement

equipment and/or stand is installed no more than ninety (90) days following removal of the equipment and/or stand which it will replace.

- Rear Yard Setbacks: The minimum rear yard setback requirement shall be 25 feet from the rear property line; provided, however:
  - For lots abutting an open space area (lake, lagoon, golf course, trail, etc.), an uncovered deck may encroach no more than 10 feet into the required rear yard setback;
  - For pie-shaped lots that do not have a defined rear property line from which to apply a rear yard setback, the rear yard setback shall be measured from the point where the side property lines intersect at the rear of the property; and
  - Pursuant to Section 7.60.10.10 of the DSO, corner lots are defined to have two front yards and two side yards. Therefore, a rear yard setback shall not be required for any corner lot.

The Lake Entry Tract PUD is subject to all of the requirements of the Town Code and DSO ~~including but not limited to DSO Sections (7) and (8);~~ provided, however, all detached residential units within the Village at Seabrook shall be treated as “single-family detached residential units” and, therefore, shall not be subject to the architectural review requirements for multi-family development, as outlined in Section 14 of the DSO, as long as the architectural plans have been reviewed and approved by a duly constituted architectural review board prior to the issuance of a zoning permit by the town. In the event of conflict between this ordinance and the Town Code and/or DSO, the provisions of this ordinance shall prevail. The applicant further agrees that all roads within the PUD as well as the six-acre lake shall be deeded to the Seabrook Island Property Owner’s Association. ~~In addition, subject to the provisions set forth above, the terms and conditions of the Declarations as approved and modified by the Planning Commission, a copy of which is attached as Exhibit C and incorporated herein by reference, are hereby adopted as additional terms and restrictions of this PUD and the zoning granted therein. In the event of any conflict between the terms of the Declarations and the DSO or Town Code, the more restrictive shall apply.~~

### **SECTION 3. Codification**

The Development Standards Ordinance of the Town of Seabrook Island, South Carolina; Article 6, Approved Planned Developments; Section 6.80, The Village at Seabrook, a/k/a Lake Entry Tract, PDD, is hereby amended so as to replace the existing language in Section 6.80 with the language contained in Section 2 of this ordinance.

### **SECTION 4. Severability.**

If any section, subsection, paragraph, clause, or provision of this ordinance shall be deemed to be unconstitutional, unenforceable, or otherwise invalid by the final decision of a court of competent jurisdiction, it shall be construed to have been the legislative intent of Town Council to pass said ordinance without such unconstitutional provision, and the validity of all remaining sections, subsections, paragraphs, clauses, or provisions of said ordinance shall not be affected thereby. If said

ordinance, or any provision thereof, is held by the final decision of a court of competent jurisdiction to be inapplicable to any person, group of persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property or circumstances.

**SECTION 5. Conflicting Ordinances Repealed.**

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 6. Effective Date.**

This ordinance shall be effective from and after the date of adoption.

**SIGNED AND SEALED** this \_\_\_\_ day of \_\_\_\_\_, 2020, having been duly adopted by the Town Council for the Town of Seabrook Island on the \_\_\_\_ day of \_\_\_\_\_, 2020.

First Reading: January 28, 2020  
Public Hearing: February 25, 2020  
Second Reading: February 25, 2020

TOWN OF SEABROOK ISLAND

\_\_\_\_\_  
John Gregg, Mayor

ATTEST

\_\_\_\_\_  
Faye Allbritton, Town Clerk

**TOWN OF SEABROOK ISLAND**

**ORDINANCE NO. 2020-01**

**Exhibit A**

PUD Application (As Amended)

Town of Seabrook Island - Zoning Permit

Permit Date: 03/27/1997 Permit #, Town: 1739 License #: 0  
TMS Number: 147-00-00-009 Thru: And: Paid Date: 03/27/1997  
App Fee: \$820.00 Cash: No Check #: 1008

Applicant Name: Seabrook Island I.L.C. Phone:  
Contact Name: Hank Hofford or Dave Savitz  
App Address1: 17 Lockwood Dr. The Rice Hill  
App Address2:  
App City: Charleston St: SC Zip: 29402

Property Owner: Seabrook Island I.L.C. Phone: 722-8200  
Owner Address1: P.O. Box 1707  
Owner Address2:  
Owner City: Charleston St: SC Zip: 29455

Property Location: Lot: Block:  
Property Address: 56 acre lake entry tract

Purpose: Submittal of a Planned Unit Development for property presently known as the Lake Entry Site. This property is just past the gate on the left leading into the Island.

Work Value: \$0.00 Const Cost: \$0.00 Flood Elev: 13 Zone: A8

Architectural Review Board:

Comments: Requires Recommendation of Planning Commission and approval of Town Council

The Town Council voted on June 24, 1997 to accept the Planning Commission recommendation that this application be denied because it did not meet sec 8.10.0 \*\*\*\* March 22, 2000, The Town Council voted to approve the amended PUD which changes the development from a Health Care Facility to a development of 106 Multi-Family lots. \*\*\*\*  
Amendment: 2/4/2000 to amend this application for a planned development of a health care facility to a planned multi-family development of 106 units.

This Zoning Permit is valid for six (6) months. The action for which this permit was obtained must be taken within that time period.  
If this zoning permit is for issuance of a building permit, such building permit is valid for a period of one (1) year as described in the town code.  
Any extentions, alterations, or amendments must be approved in writing by the Town of Seabrook Island Zoning Administration.

I hereby certify that the above information and any plan or drawing submitted herewith are true and accurate indications of existing or proposed improvements to the above identified property.

Owner/Applicant's Signature  
Wednesday, January 12, 2000

*Joseph M. Smith*  
Zoning Administrator  
Wednesday, January 12, 2000

*[Signature]*  
Printed Name

APPROVED BY TOWN COUNCIL  
OK ~~JAN 25, 2000~~  
MARCH 22, 2000  
P.M.D.

Exhibit "A"

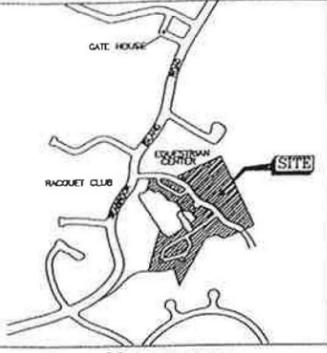
**TOWN OF SEABROOK ISLAND**

**ORDINANCE NO. 2020-01**

**Exhibit B**

Village at Seabrook Project Map (As Amended)

Exhibit B



CURVE	RADIUS	LENGTH	DELTA	TANGENT	BEARING	CHORD
C1	428.97	355.86	47°31'49"	188.89	N24°55'06"E	345.74
C2	20.09	27.89	79°32'57"	16.72	S48°10'32"W	25.71
C3	288.97	112.04	22°12'51"	58.73	N02°42'22"W	111.34
C4	20.09	28.12	80°11'48"	16.92	S51°57'37"E	25.88
C5	597.62	317.07	30°23'53"	162.36	N78°51'02"W	313.36
C6	584.64	32.22	03°09'29"	16.12	N46°16'09"W	32.22
C7	720.00	395.74	31°29'32"	203.01	N83°52'16"E	390.78

LINE	BEARING	LENGTH
L1	N 32°24'41" W	21.84
L2	N 56°14'33" W	25.47
L3	N 17°15'55" W	33.85
L4	N 36°39'48" W	90.90
L5	N 27°06'39" W	39.80
L6	N 32°04'28" W	96.59
L7	N 31°14'07" W	66.76
L8	N 30°10'53" W	45.61
L9	N 34°48'32" W	53.30
L10	N 32°21'48" W	72.61
L11	N 26°41'33" W	31.76
L12	S 87°57'01" W	129.99
L13	S 60°10'16" W	82.44
L14	N 64°10'55" W	116.67
L15	S 75°59'04" W	115.77
L16	S 48°30'19" W	110.58

**OWNER:**  
SEABROOK ISLAND I, L.L.C.  
P.O. BOX 1707  
CHARLESTON, SC 29402

**DEVELOPER:**  
BENNETT HOFFORD CONSTRUCTION CO.

**LAND PLANNER/LANDSCAPE ARCHITECT:**  
HLA, INC.  
CHARLESTON, SC

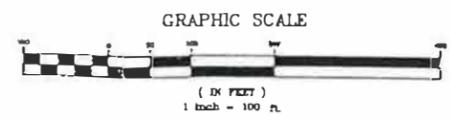
**CIVIL ENGINEER/SURVEYOR:**  
G. ROBERT GEORGE & ASSOCIATES  
CHARLESTON, SC



**Land Use Summary**

See Ordinance 2020-01

TOPOGRAPHIC AND TREE SURVEY INFORMATION  
PROVIDED BY G. ROBERT GEORGE AND  
ASSOCIATES, INC. MARCH 1997  
(UPDATED OCTOBER 1999)



**HLA** HOFFMAN LESTER ASSOCIATES, INC.  
Land Planning • Civil Engineering • Landscape Architecture  
Wetland Consulting • Land Surveying

29 LEINBACH DRIVE • CHARLESTON, S.C. • 29407 • (843) 763-1166

AMENDMENT TO P.U.D.  
AND LAND USE PLAN  
VILLAGE AT SEABROOK  
(LAKE ENTRY TRACT)  
SEABROOK ISLAND, SOUTH CAROLINA

PROJECT  
97050.00

DATE: 12-22-99  
SCALE: 1"=100'  
DESIGN: DLL  
DRAWN: DRC/ADB  
CHECK:

REVISIONS

SHEET  
1 of 1

# **Supplemental Information**

**Village at Seabrook**

**Zoning Conformity Status of Existing Structures**

**If Ord. 2020-01 is Adopted**

**Conforming**  
28 of 57 (49.1%)

**Non-Conforming (>10%)**  
23 of 57 (40.4%)

**Non-Conforming (<=10%)**  
6 of 57 (10.5%)

**Under Construction**  
1

**Non-Conforming Setbacks**

**3 -- Primary Front (30')**  
C-24 (15.3'), C-27 (29.8'), C-33 (29.9')

**0 -- Secondary Front (20')**  
None

**5 -- Uncovered Steps (20')**  
B-05 (18.8'), C-08 (17.0'), C-21 (17.6')  
C-23 (16.5'), C-24 (13.4')

**23 -- Side (7.5')**  
A-05 (5.4'), A-08 (2.1'), A-15 (6.4'), A-18 (5.5')  
A-21 (4.7'), B-02/03 (2.0'), B-19 (4.3'), B-40 (1.5')  
C-04 (4.8'), C-05 (5.6'), C-07 (7.1'), C-08 (5.0')  
C-09 (4.0'), C-13 (1.1'), C-17 (6.1'), C-21 (6.0')  
C-22 (5.8'), C-23 (5.8'), C-27 (1.5'), C-28 (1.3')  
C-29 (3.4'), C-30 (2.8'), C-34 (2.2')

**Highlighted lots have non-conforming HVAC stand only.**

**1 -- Rear (25')**  
A-16 (24.8')

**1 -- Open Space Deck (15')**  
A-09 (13.8')



Charleston South Carolina  
Office of Register Mesne Conveyance  
Plat recorded this 19 day of December, 2001 at  
1:52 o'clock in Plat Book 11 Page 246 and tracing cloth  
copy filed in File 2 Drawer Folder 55 Drawing No 39  
Original plat (a White Print) delivered to Tn of Seabrook Island  
Sheet 2 of 2  
Register Mesne Conveyance

**LEGEND**

- PROPERTY LINE AND IRON PIN SET
- ⊙ PROPERTY LINE PIN NOT SET DUE TO SEWER C.O
- ⊙ PROPERTY LINE AND IRON PIN FOUND
- ⊙ TRAVERSE POINT ON LINE
- ADJACENT RIGHT-OF-WAY LINE
- ADJACENT PROPERTY LINE
- EASEMENT LINE
- NEW DRAINAGE EASEMENT LINE
- JURISDICTIONAL FRESHWATER WETLANDS
- APPROXIMATE FLOOD ZONE BOUNDARY



**Village at Seabrook**

**Zoning Conformity Status of Existing Structures**

**Current Status**

**Conforming**  
42 of 57 (73.7%)

**Non-Conforming (>10%)**  
6 of 57 (10.5%)

**Non-Conforming (<=10%)**  
9 of 57 (15.8%)

**Under Construction**  
1

**Non-conforming Setbacks**

**3 -- Primary Front (30')**  
C-24 (15.3'), C-27 (29.8'), C-33 (29.9')

**0 -- Secondary Front (20')**  
None

**5 -- Uncovered Steps (20')**  
B-05 (18.8'), C-08 (17.0'), C-21 (17.6')  
C-23 (16.5'), C-24 (13.4')

**6 -- Side Separation (15')**  
B-02/03 & B-04 (11.6'), C-05 & C-06 (14.6')  
C-09 & C-10 (13.6')

*Highlighted lots have non-conforming HVAC stand only.*

**1 -- Rear (25')**  
A-16 (24.8')

**1 -- Open Space Deck (15')**  
A-09 (13.8')

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Sheet 2 of 2

Register Mesne Conveyance

**Village at Seabrook**

**Zoning Conformity Status of Existing Structures**

**Side Yard Setbacks**

**Conforming Lots (>=7.5' Side)**  
34 of 57 (59.6%)

**Non-Conforming Lots (<7.5' Side)**  
One Side: 20 of 57 (35.1%)  
Both Sides: 3 of 57 (5.3%)

**Impacted Lots (Req. >7.5' Side)**  
7 of 57 (12.3%)

**Under Construction**  
1

**Non-Conforming Side Yard Setback (7.5')**

- A-05 (L 6.5' & R 5.4'), A-08 (L 2.1'),
- A-15 (L 6.4'), A-18 (L 5.5'),
- A-21 (R 4.7'), B-02/03 (L 2.0'),
- B-19 (L 4.6 & R 4.3'), B-40 (L 1.5'),
- C-04 (R 4.8'), C-05 (L 5.6'),
- C-07 (L 7.1'), C-08 (L 5.0'),
- C-09 (L 4.0'), C-13 (L 1.1'),
- C-17 (L 6.1'), C-21 (R 6.0'),
- C-22 (R 5.8'), C-23 (L 5.8'),
- C-27 (R 1.5'), C-28 (R 1.3'),
- C-29 (R 3.4'), C-30 (R 2.8'),
- C-34 (L 7.2' & R 2.2')



Charleston South Carolina  
Office of Register Mesne Conveyance  
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Sheet 2 of 2  
*Chris Lyford*  
Register Mesne Conveyance

**LEGEND**

	PROPERTY LINE AND IRON PIN SET
	PROPERTY LINE PIN NOT SET DUE TO SEWER CO
	PROPERTY LINE AND IRON PIN FOUND
	TRAVERSE POINT ON LINE
	ADJACENT RIGHT-OF-WAY LINE
	ADJACENT PROPERTY LINE
	EASEMENT LINE
	NEW DRAINAGE EASEMENT LINE
	JURISDICTIONAL FRESHWATER WETLANDS
	APPROXIMATE FLOOD ZONE BOUNDARY



