

AGENDA
TOWN OF JUPITER ISLAND
LOCAL PLANNING AGENCY MEETING
TUESDAY, JANUARY 23, 2024, 9:00 AM
ISLAND ROOM – TOWN HALL – 2 BRIDGE ROAD

1. **Minutes of the meeting held October 24, 2023**
2. **Zoning Amendment - District Boundary Change - 11 Isle Ridge**
3. **Public Comment**
4. **Next Meeting Date - To be determined, as needed**
5. **Other Business**
6. **Adjourn**

7. Other Items

** No advanced materials provided*

Robert Rowden, Chairman
Trent Steele, Vice Chairman
Scot Hughes, Member
Laurie Gaylord, Member
Kate Nelson, Member
Jim Hauslein, Alternate
Cynthia Keegan, Alternate

STATE MANDATED STATEMENT

If a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Town prior to the meeting. Please contact the Town Hall, 2 Bridge Road, Hobe Sound, FL 33455, telephone (772) 545-0103.

**MINUTES
TOWN OF JUPITER ISLAND
LOCAL PLANNING AGENCY HEARING
OCTOBER 24, 2023**

TIME: Tuesday, October 24, 2023 - 9:00 a.m.
PLACE: Town Hall - Island Room
PRESENT: Chair Bob Rowden, Vice Chair Trent Steele, Board Members Scott Hughes and Kate Nelson. Board Member Laurie Gaylord attended remotely, and Alternate Board Member Cynthia Keegan was present in the audience. Voting members were the four Regular Members present and Laurie Gaylord. Also present were Town Attorney Tom Baird, Director of Building, Planning and Zoning Ruben Cruz, IT Director Bill Sutton and Recording Secretary Carol Hazel. Also present were Interim Town Manager Bob Garlo and Public Safety Department Chief Michael Ewing.

Chair Rowden called the meeting to order at 9:02 a.m. He read the mission, purpose and responsibilities of the Local Planning Agency (LPA) as defined in Section 3.00 of the Land Development Regulations (LDR). Chair Rowden introduced himself and the Town staff. The attending members introduced themselves.

1. Approval of the Minutes of the Meeting Held December 21, 2022 Meeting

Chair Rowden asked for any discussion. There were no comments, and the minutes were approved as written.

MOTION: *Hughes/Nelson moved to approve the Minutes of the December 21, 2022, meeting as submitted.*

ACTION: *Motion passed 5-0.*

2. Incorporating Property Rights Element into Comprehensive Plan

Attorney Baird indicated ex parte communications were not necessary for this type of meeting.

Director Cruz reviewed background information related to the Florida State Legislature's requirement that every municipality and county adopt and incorporate into its Comprehensive Plan a "Property Rights Element." He noted that following discussion at its September 18, 2023 meeting the Town Commission's direction was to move forward with a modified Draft Ordinance No. 390 which incorporates language recommended by the 1000 Friends of Florida. This modified version was being presented to the LPA today for their review and recommendations.

Chair Rowden thanked Vice Chair Steele for his recommendation at the LPA's December 2022 meeting that the committee consider incorporating language proposed by the 1000 Friends of Florida.

Vice Chair Steele commented on his recommendation re the 1000 Friends proposal. He noted that there was no second to his recommendation at that meeting, and he wondered why it was being considered a good idea now.

Attorney Baird and the LPA members discussed issues and comments relative to potential lack of transparency and requirements for super-majority voting to change land use that some local counties and municipalities have in their Comprehensive Plans. They also discussed and considered modifications made by the current Town Commission to draft Ordinance No. 390, incorporating recommendations from 1000 Friends of Florida relative to the proposed Property Rights Element that differed from what the previous Commission had recommended in 2022.

Attorney Baird reported that the version being reviewed today was unique to the Town of Jupiter Island and is shorter than the 1000 Friends version. He noted that the 1000 Friends model ordinance was primarily for larger municipalities and counties and that some aspects of it did not fit the Town, e.g. pre-application meeting. He reported that since the Property Rights Act had been enacted in 1995, subsequent provisions have eroded existent planning statutes, and an additional new element was now included in the proposal.

In their discussions, the LPA members reviewed proposed Policy 2.4 as it relates to published notices and the footage distance away from a real property for inclusion in the notification process, i.e., the Town's current 1,000 feet requirement, or the proposed 1,320 feet (which Director Cruz noted was a quarter mile) that had been adapted from the 1000 Friends version. The members also discussed how the Town's notification requirements came about. Member Hughes reported it was developed after a study of zoning districts and was not arbitrary. Member Nelson noted that Jupiter Island properties were comparatively large in size. The members expressed agreement with Chair Rowden's recommendation to leave the 1,320 feet in as it provided notice to more neighboring property owners.

Upon Chair Rowden's request whether anything else should be considered or struck out from the proposal, there were no recommendations. Director Cruz reported that the staff could work with incorporating this change.

The members also reviewed the Town's advance notice provisions. Director Cruz reported that the general notice period is 14 or 21 days depending on the season and that the statute requires at least 10 days. Attorney Baird stated he could look into the provisions before the proposal goes to the Town Commission.

3. Public Comment

There was no public comment.

As there was no further discussion, and Chair Rowden called for a motion.

MOTION: *Hughes/Nelson moved to send the recommendation on to the Town Commission with the appreciation that the Commissioners read the LPA's note.*

ACTION: *Motion passed 5-0.*

4. Next Meeting Date

Director Cruz noted the next meeting date was January 9, 2024. He reported that they have a quorum, but requested members please let the Building Department know if anything comes up that would require a schedule change.

5. Other Business

Winter Season Noise Restrictions – The members briefly reviewed wintertime construction noise restrictions. Director Cruz reviewed the current rules and restrictions in Chapter 9 of the Town Code, including noise restrictions and provisions of waiver requests.

In a discussion not related to the LPA, the members discussed penalties for rule deviations and the Town’s procedure if an offense occurs. Director Cruz reported that last year they had 9 or 10 requests for waivers; this year so far they have only received one request with maybe one or two more coming in. Member Hughes requested a review of the Town’s policy.

6. Adjourn

There being no further discussion, Chair Rowden adjourned the meeting at 10:02 a.m.



NOTICE OF PUBLIC HEARING
TO CITIZENS OF THE TOWN
OF JUPITER ISLAND, FLORIDA

Please register for Local Planning Agency January 23rd, 2024 @ 9:00 AM EST at:

<https://attendee.gotowebinar.com/register/8698551383649947743>

And

Call in: 1 (631) 992-3221 PIN: 862-958-610

A Public Hearing/Meeting by the Local Planning Agency will be held on **Tuesday, January 23, 2024 at 9:00 am** for the purpose of considering the following application relating to the Town of Jupiter Island Land Development Regulations, Ordinance 283, as amended, insofar as the same is applicable to the following described property in the Town of Jupiter Island:

11 Isle Ridge Road

This is the of application Edward H. Hamm, Jr. Trustee of the Edward H. Hamm Jr. Revocable Trust, represented by Jared Gaylord, Esq. of Marc R. Gaylord, P.A., requesting the following:

The applicant is requesting a Boundary Change as it pertains to Article X, Division VI, Section 6.0, in order to change the Zoning Designation of 11 Isle Ridge Road from the B-40 Zoning District to the A-80 Zoning District.

Plans are available for inspection at the Building Department at Town Hall Monday through Friday, 9:00 a.m. to 3:30 p.m.

By Order of
LOCAL PLANNING AGENCY
TOWN OF JUPITER ISLAND

January 9, 2024

STATE MANDATED STATEMENT:

If a person decides to appeal any decision made by the board, agency, committee, or commission with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Town prior to the meeting. Please contact the Town at Town Hall, 2 Bridge Road, Hobe Sound, FL 33455, telephone (772) 545-0100

Letters sent to the following:

260 South Beach LLC

Mr George Benington/Ms Mithilde Benington

M/M William Buchanan Jr

Ms Eleanor Chan/Mr Mark Brodsky

M/M Jeffrey Collinson

Mr Elliot Conway

Corrales Canyon LLC

Mrs Theodore Danforth

M/M Loic DeKertanguy

Mrs Allen Dines

M/M W James Farrell Jr

M/M Edward Goodman

D/M Stuart Graham

M/M Bernard Halfpenny

M/M C Barrows Hall

M/M Douglas Hammond

M/M Richard Hayne

M/M Christopher Reyes

K262 South Beach Road Land Trust

M/M Mark Kchaya

M/M Alexander Lynch

M/M Michael Searle

M/M Mark Newman

M/M William Nolan III

M/M William Nutting

Mrs Candace Phillips

M/M Roy Plum

Mrs Barbara Riegel

M/M James Riepe

S & G Realty LLC/M/M Shelby Davis

M/M Peter Schiff

Ms Shannon Ford Hamm Rev Trust

M/M Daniel Smith

M/M Stanley Trotman

Trust created under Will of Cameron MacRae/M/M Cameron MacRae III

YBISM LLC

CC: Edward H Hamm Jr Rev TR

Jared Gaylord

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TOWN OF JUPITER ISLAND
MEETING OF THE LOCAL PLANNING AGENCY
PUBLIC HEARING
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3. **Public comment**
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6. **Adjourn**

Local Planning Agency

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Trent Steele, Vice Chairman
Scott Hughes, Member
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6. Adjourn

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Memorandum



To: Local Planning Agency

Cc: Robert Garlo, Catherine Harding, Thomas Baird

From: Ruben Cruz, Director of Planning and Zoning

Date: January 19, 2024

Re: 11 Isle Ridge Application Requesting Zoning Map Amendment / Zoning District Change from B-40 to A-80 (**COVER LETTER of UPDATED MEMORANDUM**)

- Staff has updated the memorandum within the sections of “**Application and Property Data**”, “**Background Information**”, and “**Analysis of the Application**” to provided clarity and additional information regarding the application request.

Attached: Updated Memorandum
Plat Coral Ridge Subdivision
Existing Survey of 252 South Beach Road

Memorandum



To: Local Planning Agency
Cc: Robert Garlo, Catherine Harding, Thomas Baird
From: Ruben Cruz, Director of Planning and Zoning
Date: January 19, 2024
Re: 11 Isle Ridge Application Requesting Zoning Map Amendment / Zoning District Change from B-40 to A-80 (**UPDATED MEMORANDUM**)

Executive Summary:

- The applicant received a subdivision modification in 2023.
- The applicant is requesting to change the current zoning designation from B-40 to A-80.
- The A-80 zoning district is a more restrictive zoning designation.
- With this request the entire subdivision will have the same zoning designation of A-80.
- Staff seeks LPA to provide a recommendation regarding the request to the Town Commission.

Application and Property Data:

Property Owner & Applicant:	Edward H Hamm Jr., as Trustee of the Edward H Hamm, Jr. Rev. Trust
Agent:	Jared Gaylord, Esq.
Current Lot 19 Acreage:	1.69286 acres
Coral Ridge Subdivision Lot 2 Acreage:	5.75961 acres
PCN:	35-38-42-010-000-00190-6
Property Location:	11 Isle Ridge, Hobe Sound, FL 33455
Existing Use:	Developed Residential
Current FLUM:	Residential
Current Zoning District Designation:	B-40 One Acre Estate Residential
Proposed Zoning District Designation:	A-80 Two Acre Estate Residential

Local Planning Agency Recommendation:

At the January 23, 2024, meeting, the Local Planning Agency will review and provide a recommendation regarding the proposed Zoning Map Amendment / Zoning District Change from B-40 to A-80.

Staff Recommendation:

Based upon the facts and findings contained herein, pursuant to the Town's Land Development Regulations, and pursuant to the goals, objectives and policies of the Town's Comprehensive Plan ("Comp Plan"), the Building Department recommends approval of the Zoning Map Amendment / Zoning District Change from B-40 to A-80 as referenced above.

Property Use Today:

The property is currently vacant.

Background Information:

At the May 18, 2023, Town Commission meeting, the commission approved the plat of the "Coral Ridge" subdivision. Subsequent to the approval of the subdivision, the applicant is now requesting the rezoning of a portion of Lot 2, of the "Coral Ridge" subdivision. The portion of Lot 2 that would be rezoned is currently Lot 19 (AKA 11 Isle Ridge).

The Town's Comp Plan, Future Land Use Map (FLUM) and the current Zoning Map both designate Lot 19 as "Residential". The Comp Plan's FLUM designation and the Town Zoning Map designation as Residential began since the Town's incorporation in 1953. The prior Zoning Map, prepared by the National Planning Partnership on or about 1987, showed the property zoned R-1 (Residential), which is equivalent to the current Zoning Map's zoning designation of B-40 One Acre Estate Residential. The current parcel is compliant with the B-40 One Acre Estate Residential site development regulations, and the proposed zoning change to A-80 Two Acre Estate Residential will create a compliant Lot 2 of the "Coral Ridge" subdivision.

Analysis of the Application:

1. Change in Zoning:

Criteria for Zoning Map Amendment:

Land Development Regulations, Article X, Division VI, District Boundary Changes.

Sec. 6.00 - Standards for Approval of District Boundary Change.

No application for amendment to the Official Zoning Map shall be approved unless the Town Commission, after review and recommendation by the Local Planning Agency, finds that such amendment complies with all of the following standards:

A. *The proposed amendment is consistent with and furthers the goals, policies and objectives of the Comprehensive Plan and furthers the purposes of these Land Development Regulations and other Town Ordinances and actions designed to implement the Comprehensive Plan.*

Staff Comment: The proposed Zoning Map amendment is consistent with the goals, objectives and policies of the Comp Plan, as the amendment will provide a consistent zoning classification with regards to Lot 2 of the recently approved "Coral Ridge" subdivision.

B. *The available uses to which the property may be put are appropriate to the property which is subject to the proposed amendment, and compatible with existing and planned uses in the area.*

Staff Comment: The proposed Zoning Map amendment from B-40 One Acre Estate District to the A-80 Two Acre Estate District is appropriate since the property has a FLUM and existing Land Use of Residential, as does the surrounding properties.

C. *The amendment does not conflict with the needs and character of the neighborhood and the Town.*

Staff Comment: The proposed Zoning Map amendment does not conflict with the needs and character of the neighborhood and Town; actually it is consistent with the surrounding residential properties and the subdivision it is a part of.

D. *The amendment will not adversely or unreasonably affect the use of other property in the area.*

Staff Comment: The proposed Zoning Map amendment will have no adverse or unreasonable affect on other properties in the area since it is to be developed as a residential use.

E. *The amendment will not adversely burden public facilities, including the traffic carrying capacities of streets, in an unreasonably or disproportionate manner.*

Staff Comment: The proposed Zoning Map amendment will not adversely burden public facilities as this use is consistent with the FLUM of the Comp Plan.

F. *The district boundaries are appropriately drawn with due regard to locations and classifications of streets, ownership lines, existing improvements and the natural environment.*

Staff Comment: The proposed Zoning Map amendment will not have an impact on streets, ownership lines, existing improvements, and the natural environment. The A-80 zoning designation will provide consistency within the recently approved “Coral Ridge” subdivision.

Conclusions:

Staff supports the requested Zoning Map Zoning Map Amendment / Zoning District Change from B-40 to A-80 for the following reasons:

1. The requests are consistent and compatible with the existing and surrounding land uses;
2. The requests are consistent with the Town’s Land Development Regulations; and
3. The requests are consistent with the Town’s Comp Plan’s goals, objectives, and policies.

Recommended Motion:

Motion to accept staff’s recommendation that based upon the facts and findings contained herein, pursuant to the Town’s Land Development Regulations, and pursuant to the goals, objectives and policies of the Town’s Comprehensive Plan (“Comp Plan”), approval of the Zoning Map Amendment / Zoning District Change from B-40 to A-80.

Attached: Application
 Future Land Use Map
 Zoning Map
 Plat Coral Ridge Subdivision
 Existing Survey of 252 South Beach Road

Memorandum



To: Local Planning Agency
Cc: Robert Garlo, Catherine Harding, Thomas Baird
From: Ruben Cruz, Director of Planning and Zoning
Date: January 10, 2024
Re: 11 Isle Ridge Application Requesting Zoning Map Amendment / Zoning District Change from B-40 to A-80

Executive Summary:

- The applicant received a subdivision modification in 2023.
- The applicant is requesting to change the current zoning designation from B-40 to A-80.
- The A-80 zoning district is a more restrictive zoning designation.
- With this request the entire subdivision will have the same zoning designation of A-80.
- Staff seeks LPA to provide a recommendation regarding the request to the Town Commission.

Application and Property Data:

Property Owner & Applicant:	Edward H Hamm Jr., as Trustee of the Edward H Hamm, Jr. Rev. Trust
Agent:	Jared Gaylord, Esq.
Acreage:	1.69286 acres
PCN:	35-38-42-010-000-00190-6
Property Location:	11 Isle Ridge, Hobe Sound, FL 33455
Existing Use:	Developed Residential
Current FLUM:	Residential
Current Zoning District Designation:	B-40 One Acre Estate Residential
Proposed Zoning District Designation:	A-80 Two Acre Estate Residential

Local Planning Agency Recommendation:

At the January 23, 2024 meeting, the Local Planning Agency will review and provide a recommendation regarding the proposed Zoning Map Amendment / Zoning District Change from B-40 to A-80.

Staff Recommendation:

Based upon the facts and findings contained herein, pursuant to the Town’s Land Development Regulations, and pursuant to the goals, objectives and policies of the Town’s Comprehensive Plan (“Comp Plan”), the Building Department recommends approval of the Zoning Map Amendment / Zoning District Change from B-40 to A-80 as referenced above.

Property Use Today:

The property is currently vacant.

Background Information:

The Town’s Comp Plan Future Land Use Map (FLUM) and the current Zoning Map both designate the parcel identified at 11 Isle Ridge as “Residential”. The Comp Plan FLUM designation and the Town Zoning Map designation as Residential began since the Town’s incorporation in 1953. The prior Zoning Map, prepared by the National Planning Partnership on or about 1987, showed the

property zoned R-1 (Residential), which is equivalent to the current Zoning Map's zoning designation of B-40 One Acre Estate Residential.

Analysis of the Application:

1. Change in Zoning:

Criteria for Zoning Map Amendment:

Land Development Regulations, Article X, Division VI, District Boundary Changes.

Sec. 6.00 - Standards for Approval of District Boundary Change.

No application for amendment to the Official Zoning Map shall be approved unless the Town Commission, after review and recommendation by the Local Planning Agency, finds that such amendment complies with all of the following standards:

A. *The proposed amendment is consistent with and furthers the goals, policies and objectives of the Comprehensive Plan and furthers the purposes of these Land Development Regulations and other Town Ordinances and actions designed to implement the Comprehensive Plan.*

Staff Comment: The proposed Zoning Map amendment is consistent with the goals, objectives and policies of the Comp Plan.

B. *The available uses to which the property may be put are appropriate to the property which is subject to the proposed amendment, and compatible with existing and planned uses in the area.*

Staff Comment: The proposed Zoning Map amendment from B-40 One Acre Estate District to the A-80 Two Acre Estate District is appropriate since the property has a FLUM and existing Land Use of Residential, as does the surrounding properties.

C. *The amendment does not conflict with the needs and character of the neighborhood and the Town.*

Staff Comment: The proposed Zoning Map amendment does not conflict with the needs and character of the neighborhood and Town; actually it is consistent with the surrounding residential properties and the subdivision it is a part of.

D. *The amendment will not adversely or unreasonably affect the use of other property in the area.*

Staff Comment: The proposed Zoning Map amendment will have no adverse or unreasonable affect on other properties in the area since it is to be developed as a residential use.

E. *The amendment will not adversely burden public facilities, including the traffic carrying capacities of streets, in an unreasonably or disproportionate manner.*

Staff Comment: The proposed Zoning Map amendment will not adversely burden public facilities as this use is consistent with the FLUM of the Comp Plan.

F. *The district boundaries are appropriately drawn with due regard to locations and classifications of streets, ownership lines, existing improvements and the natural environment.*

Staff Comment: The proposed Zoning Map amendment will not have an impact on streets, ownership lines, existing improvements, and the natural environment.

The A-80 zoning designation will provide consistency within the recently approved subdivision.

Conclusions:

Staff supports the requested Zoning Map Zoning Map Amendment / Zoning District Change from B-40 to A-80 for the following reasons:

1. The requests are consistent and compatible with the existing and surrounding land uses;
2. The requests are consistent with the Town's Land Development Regulations; and
3. The requests are consistent with the Town's Comp Plan's goals, objectives, and policies.

Recommended Motion:

Motion to accept staff's recommendation that based upon the facts and findings contained herein, pursuant to the Town's Land Development Regulations, and pursuant to the goals, objectives and policies of the Town's Comprehensive Plan ("Comp Plan"), approval of the Zoning Map Amendment / Zoning District Change from B-40 to A-80.

Attached: Application
 Future Land Use Map
 Zoning Map



Town of Jupiter Island
ZONING AMENDMENT



Art. X, Div. VI, Sec. 6.00 - District Boundary Change

CHECK ONE - ~~PRELIMINARY SUBDIVISION~~ **OR** ~~FINAL SUBDIVISION~~

FEE: \$2,000 (Please make check payable to the Town of Jupiter Island)

PROPERTY OWNER, as shown in the official County Records (please attach current tax bill & deed)

Name: Edward H. Hamm Jr., as Trustee of the Edward H. Hamm, Jr. Rev. Trust
 Mailing Address: 350 West Burnsville Parkway, Suite 150
Street Address
Burnsville MN 55337
City State Zip
 Phone #: _____ Fax #: _____

AGENT: (If Applicable, notarized power of attorney must be attached)

Name: Jared Gaylord, Esq. of Marc R. Gaylord, P.A.
 Mailing Address: 12000 SE Old Dixie Highway
Street Address
Hobe Sound FL 33455
City State Zip
 Phone #: 772-545-7740 Fax #: 772-545-7782

DESCRIPTION OF PROPERTY:

Street Address: 11 Isle Ridge, Hobe Sound, FL 33455 (Lot 19)
 Tax Parcel Number: 35-38-42-010-000-00190-6 Zoning: B-40 1-Acre Residential Zoning
 Legal/General Description See Exhibit "A" - Legal Description

Attach separate piece of paper if necessary

District Boundary Change

EXPLANATION OF SUBDIVISION (describe what you are trying to accomplish):

Change the Zoning designation for 11 Isle Ridge Road from the B-40 Zoning District to the A-80 Zoning District. This designation will be consistent with Lot 2 of the proposed Coral Ridge subdivision.

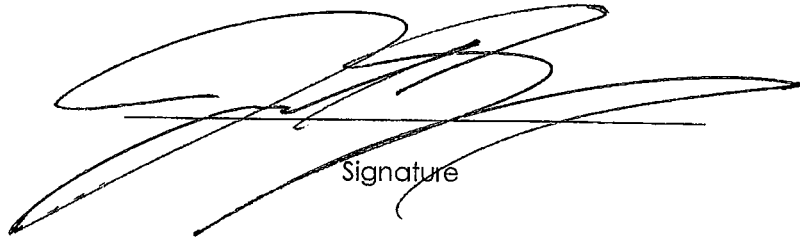
Information as contained within the attached checklist MUST be provided and accepted by the Town of Jupiter Island in order for this application to be considered. Additional information as required by the administrative official or as attached by the applicant constitutes a part of this application.

I hereby certify that I am the owner of property involved in the above described subdivision request and that the information set forth is true and correct.

Jared Gaylord, atty-in-fact for Edward H. Hamm, Jr.

BY: Trustee of Edward H. Hamm, Jr. Rev. Trust

Print name

A handwritten signature in black ink, appearing to be 'Jared Gaylord', written over a horizontal line. The signature is stylized and somewhat illegible.

Signature

Legal Description

EXHIBIT A

Lot 19 in ISLE RIDGE according to the plat thereof, recorded in the public records of Martin County, Florida in Plat Book 2, Page 53.

TOGETHER with all right, title and interest (without warranty) of the Grantor in and to the private roads shown on said Plat of ISLE RIDGE lying between the waters of Hobe Sound and the State Road and also all right, title and interest of the Grantor (without warranty) in and to that certain tract of land in ISLE RIDGE according to the Plat thereof recorded in the public records of Martin County, Florida in Plat Book 2, Page 53 described and bounded as follows:

On the west by the easterly right-of-way line of State Road #140 as shown on said Plat; on the north by the southerly boundary line of Lot 5 of ISLE RIDGE; on the east by the waters of the Atlantic Ocean; and on the south by the northerly boundary line of Lot 4 of ISLE RIDGE and also all riparian rights thereunto belonging or in any wise appertaining.

SUBJECT however to any rights of the State of Florida and of the United States in and to the intra-coastal waterway and also the covenants, restrictions and easements set forth in Deed from HOLLIS S. BAKER and wife to ERWON STRAEHLEY, JR., dated November 27, 1946 and recorded in Deed Book 37, Page 157, etc., public records of Martin County, Florida.

LIMITED POWER OF ATTORNEY

KNOWN ALL MEN by these presents, that I, Edward Hersey Hamm, Jr., individually and as trustee of the Edward Hersey Hamm, Jr. Revocable Trust, dated November 2, 2011, the undersigned hereby authorize, JARED GAYLORD, ESQUIRE to serve as my Attorney-in-Fact, to execute any and all documents necessary and to perform any such acts as he deems necessary for the development of the following described property, including but not limited to executing any documentation, contracts, and all other closing documentation, transacting business with local governmental agencies, building officials, contractors, utilities and other service providers on my behalf:

Legal Description

See attached Exhibit "A"

Giving and granting unto, JARED GAYLORD, ESQUIRE full power and authority to do and perform every act and thing whatsoever requisite and necessary to be done in and about the premises, with regard to the purchase of the above referenced property to all intents and purposes as we might or could do if personally present, hereby ratifying and confirming all that, JARED GAYLORD, ESQUIRE my Attorney-in Fact, shall lawfully do or cause to be done by virtue hereof.

This power of attorney shall not be affected by the passage of time or by any subsequent incapacity or disability of the undersigned and shall have the same effect and enure to my benefit and bind myself, my heirs, successors and my personal representatives.

Signed in the presence of:

Edward Hersey Hamm, Jr. Revocable Trust
dated November 2, 2011

WHA

EHH
Edward Hersey Hamm, Trustee

Print Name: Katherine Haskins

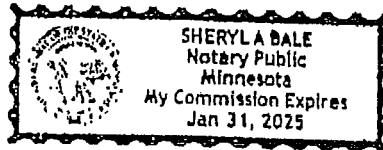
Sheryl Bale

Print Name: Sheryl Bale

STATE OF FLORIDA

COUNTY OF MARTIN

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 13 day of May, 2021, by Edward Hersey Hamm, Jr. individually and as trustee of the Edward Hersey Hamm, Jr. Revocable Trust, dated November 2, 2011, who is personally known to me or who produced _____ as identification, who executed the foregoing instrument and executed the same freely and voluntarily for the purposes therein expressed.



Sheryla Dale
NOTARY PUBLIC

Printed Name: Sheryl Bale

Exhibit "A"

Lot 19 in ISLE RIDGE according to the plat thereof, recorded in the public records of Martin County, Florida in Plat Book 2, Page 53.

TOGETHER with all right, title and interest (without warranty) of the Grantor in and to the private roads shown on said Plat of ISLE RIDGE lying between the waters of Hobe Sound and the State Road and also all right, title and interest of the Grantor (without warranty) in and to that certain tract of land in ISLE RIDGE according to the Plat thereof recorded in the public records of Martin County, Florida in Plat Book 2, Page 53 described and bounded as follows:

On the west by the easterly right-of-way line of State Road #140 as shown on said Plat; on the north by the southerly boundary line of Lot 5 of ISLE RIDGE; on the east by the waters of the Atlantic Ocean; and on the south by the northerly boundary line of Lot 4 of ISLE RIDGE and also all riparian rights thereunto belonging or in any wise appertaining.

SUBJECT however to any rights of the State of Florida and of the United States in and to the intra-coastal waterway and also the covenants, restrictions and easements set forth in Deed from HOLLIS S. BAKER and wife to ERWON STRAEHLEY, JR., dated November 27, 1946 and recorded in Deed Book 37, Page 157, etc., public records of Martin County, Florida.

together with

PARCEL 1 (Tax ID No. 35-38-42-030-000-0001.0-00000)

Lot 1 of CORAL CREST SUBDIVISION according to the Plat thereof recorded in Plat Book 14, Page 60, Public Records of Martin County, Florida;

Together with an easement for Pedestrian Traffic over the North 10.00 feet of the Southerly 50.00 feet of Lot 109 of GOMEZ GRANT and JUPITER ISLAND according to the Plat thereof recorded in Plat Book 1, Page 80, Public Records of Palm Beach (now Martin) County, Florida lying east of Beach Road (State Road 707).

Basic Info

PIN 35-38-42-010-000-00190-6	AIN 57839	Situs Address 11 ISLE RIDGE RD JUPITER ISLAND FL	Website Updated 5/11/23
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General Information

Property Owners EDWARD HERSEY HAMM JR REVOCABLE TRUST HAMM EDWARD H JR (TTEE)	Parcel ID 35-38-42-010-000-00190-6	Use Code/Property Class 0000 - 0000 Vacant Residential
Mailing Address 350 WEST BURNSVILLE PKY #150 BURNSVILLE MN 55337	Account Number 57839	Neighborhood 135730 Jupiter Island - Intracoastal
Tax District JUPITER ISLAND	Property Address 11 ISLE RIDGE RD JUPITER ISLAND FL	Legal Acres 1.64
	Legal Description ISLE RIDGE LOT 19 & 1/18 INT TO PRIVATE ...	Ag Use Size (Acre\Sq Ft) N/A

Current Value

Year	Land Value	Improvement Value	Market Value	Value Not Taxed	Assessed Value	Total County Exemptions	County Taxable Value
2022	\$ 6,415,000	\$ 0	\$ 6,415,000	\$ 0	\$ 6,415,000	\$ 0	\$ 6,415,000

Market values shown on the website reflect market conditions as of January 1st, the statutory assessment date. We are prohibited by law from relying on sales that occur after the January 1 assessment date. Therefore, market values shown on the website do not reflect today's market conditions, but rather the market conditions last year. In addition, the statutes require the county Property Appraiser to deduct for typical costs of sale (which include expenses such as commissions, title insurance, appraisals, inspection fees, etc.) when arriving at market value for tax purposes. That is why the market value for tax purposes is different from what a property would sell for today.

Current Sale

Sale Date 9/28/21	Grantor (Seller) EDWARD H HAMM TRUST	Doc Num 2916601
Sale Price \$ 100	Deed Type Quit Claim Deed	Book & Page <u>3259 1761</u>

Legal Description

ISLE RIDGE LOT 19 & 1/18 INT TO PRIVATE ST

The legal description is intended for general information only. The Property Appraiser assumes no responsibility for the uses or interpretations of the legal description.



This Instrument Prepared By
and Record and Return to:
G. William Haas, Esq.
Morrison Cohen LLP
909 Third Avenue
New York, New York 10022
Telephone: (212) 735-8645

Folio No.:

QUIT CLAIM DEED

THIS QUIT CLAIM DEED, made this 1st day of October, 2021, by **EDWARD H. HAMM, JR., AS TRUSTEE OF THE TRUST OF EDWARD H. HAMM**, whose post office address is 350 West Burnsville Parkway, Suite 150, Burnsville, MN 55337 ("Grantor"), and **EDWARD H. HAMM, JR., AS TRUSTEE OF THE EDWARD HERSEY HAMM, JR. REVOCABLE TRUST**, whose post office address is 350 West Burnsville Parkway, Suite 150, Burnsville, MN 55337 ("Grantee")

(Wherever used herein, the terms "Grantor" and "Grantee" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

WITNESSETH, that said Grantor, for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00) and other good and valuable considerations to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, does hereby remise, release and quitclaim unto the Grantee, and Grantee's heirs and assigns forever, the following described land in the County of Martin, State of Florida, to-wit:

See Exhibit A attached hereto and made a part hereof

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, interest, liens, equity and claim whatsoever of the said Grantor, either in law or equity to the only proper use, benefit and behoof of the said Grantee forever.

IN WITNESS WHEREOF, Grantor has executed this instrument the day year first above written.

#10595772 v1 1029164 10001

Accommodation recording only;
document not reviewed and
no insurance provided

EXHIBIT A

Lot 19 in ISLE RIDGE according to the plat thereof, recorded in the public records of Martin County, Florida in Plat Book 2, Page 53.

TOGETHER with all right, title and interest (without warranty) of the Grantor in and to the private roads shown on said Plat of ISLE RIDGE lying between the waters of Hobe Sound and the State Road and also all right, title and interest of the Grantor (without warranty) in and to that certain tract of land in ISLE RIDGE according to the Plat thereof recorded in the public records of Martin County, Florida in Plat Book 2, Page 53 described and bounded as follows:

On the west by the easterly right-of-way line of State Road #140 as shown on said Plat; on the north by the southerly boundary line of Lot 5 of ISLE RIDGE; on the east by the waters of the Atlantic Ocean; and on the south by the northerly boundary line of Lot 4 of ISLE RIDGE and also all riparian rights thereunto belonging or in any wise appertaining.

SUBJECT however to any rights of the State of Florida and of the United States in and to the intra-coastal waterway and also the covenants, restrictions and easements set forth in Deed from HOLLIS S. BAKER and wife to ERWON STRAEHLEY, JR., dated November 27, 1946 and recorded in Deed Book 37, Page 157, etc., public records of Martin County, Florida.

LAW OFFICES OF
MARC R. GAYLORD, P.A.

12000 S.E. OLD DIXIE HIGHWAY
HOBE SOUND, FL 33455
TEL: (772) 545-7740
FAX: (772) 545-7782

MARC R. GAYLORD, ESQ
JARED E. GAYLORD, ESQ.
FORD T. DWYER, ESQ.

May 11, 2023

VIA HAND DELIVERY

Ruben Cruz
Town of Jupiter Island
Post Office Box 7
Hobe Sound, Florida 33475

RE: Edward H. Hamm, Jr., Trustee of the Trust of Edward H. Hamm, Jr. Revocable Trust
Application to the Local Planning Agency for Art. X, Div. VI, Sec. 6.00 – District
Boundary Change
Property Address: 11 Isle Ridge Road, Hobe Sound, Florida 33455 (Lot 19)

Dear Mr. Cruz:

This office represents the interests of Edward H. Hamm, Jr., as it pertains to an application to the Local Planning Agency and Jupiter Island Town Commission for a district boundary change for 11 Isle Ridge Road from the B-40 1-Acre Estate Residential District to the A-80 2-Acre Estate Residential District. This office also represents Mr. Hamm's subdivision application for 11 Isle Ridge Road and 252 South Beach Road. The Board of Adjustment previously recommend preliminary approval of the subdivision at the Board's meeting on January 30, 2023 and the Town Commission affirmed preliminary approval at the Commission's meeting on March 7, 2023. The Board of Adjustment recommend final approval of the subdivision at the Board's March 30, 2023 meeting.

Mr. Hamm acquired the properties on October 1, 2021. Originally, 252 South Beach Road and 11 Isle Ridge lot were owned by Mr. Hamm's father. In the past twelve months my client began investigating a potential redesign and redevelopment of these two properties. After extensive consideration with architects, RL Vaught and Associates, landscape designers, and other consultants, my client decided to file a subdivision application for these two properties to, essentially, move the existing boundary lines to the properties. 252 South Beach Road is located on the west side of South Beach Road and spans from the Intracoastal Waterway to the South Beach right-of-way. 11 Isle Ridge is a vacant lot — the southernmost lot located on the west side of Isle Ridge West.

The replat will not create any additional lots than what exist today – the replat merely changes the boundary lines between existing lots. The proposed subdivision will apportion a western "piece"

of the existing 252 South Beach Road property to the vacant Isle Ridge Property. This will increase the size of the western property, decrease the size of 252 South Beach Road, and landlock the 252 South Beach Road by removing its existing Intracoastal frontage. 11 Isle Ridge's existing zoning designation is the B-40 1-Acre Estate Residential District, while 252 South Beach Road's existing zoning designation is A-80 2-Acre Estate Residential Zoning. Since the requested subdivision intends to redraw the boundary lines for these properties, Mr. Hamm requests that the proposed Lot 2 uniformly zoned A-80 Residential.

Both Lot 1 and Lot 2 will meet the minimum requirements of the underlying A-80 Zoning District. The minimum lot width in the A-80 Zoning District is two hundred feet (200').¹ Lot 1 will be approximately 222 feet wide.² Lot 2 will be approximately 480 feet wide.³ The minimum lot area in the A-80 Zoning District is two (2) acres.⁴ Lot 1 will be 2.38003 acres. Lot 2 will be 5.75961 acres.

The District Boundary Change only ensures that Lot 2 will have the uniform zoning designation of A-80 Zoning District. In fact, this application will "downzone" 11 Isle Ridge from the *slightly* more permissive B-40 Zoning District. The A-80 and B-40 Zoning Districts are very similarly regulated districts, except the minimum dwelling unit per acre,⁵ minimum lot area,⁶ minimum lot width,⁷ and the required yards for side yard setbacks.⁸

Florida case law is clear that once the initial burden for rezoning is met, the burden then shifts to the local government that maintaining the existing zoning on a property serves a legitimate purpose or that the decision denying the rezoning is not arbitrary, discriminatory, or unreasonable.⁹ The proposed request to "downzone" the Property from the B-40 Zoning District to the A-80 Zoning District is reasonable because the use will continue to be residential, the zoning districts are presently adjacent to each other, the lot will comply with the minimum zoning district requirements, and the zoning districts have very similar regulations.

¹ See Article III, Division II, Section 2.02(E), "A-80 District": 2-Acre Estate Residential District, TOWN OF JUPITER ISLAND LAND DEVELOPMENT REGULATIONS (2021).

² Lot 1 is also known as 252 South Beach Road.

³ Lot 2 will be the western parcel that abuts the Intracoastal Waterway.

⁴ Article III, Division II, Section 2.02(D), "A-80 District": 2-Acre Estate Residential District, TOWN OF JUPITER ISLAND LAND DEVELOPMENT REGULATIONS (2021).

⁵ The A-80 District requires that "[d]ensity shall not exceed one (1) dwelling unit per two (2) acres of lot area" and the B-40 District requires that the density "shall not exceed one (1) dwelling unit per acre of lot area." See *id.* at Art. III, Div. II, Sec. 2.02(A); Article III, Division III, Section 3.02(A) "B-40 District": 1-Acre Estate Residential District, TOWN OF JUPITER ISLAND LAND DEVELOPMENT REGULATIONS (2021).

⁶ The A-80 District requires the "minimum lot area is two (2) acres" and the B-40 District requires that the minimum lot area "is one (1) acres." See Art. III, Div. II, Sec. 2.02(D); Art. III, Div. III, Sec. 3.02(D).

⁷ The A-80 District requires the "minimum lot width is two hundred (200) feet" and the B-40 District requires that the minimum lot width "one hundred forty (140) feet." See Art. III, Div. II, Sec. 2.02(E); Art. III, Div. III, Sec. 3.02(E).

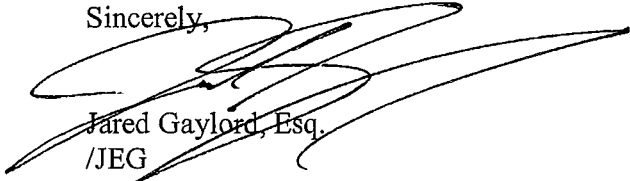
⁸ The A-80 District requires that side yard setbacks be "twenty-five (25) for one-story buildings" and "thirty (30) feet for two-story buildings." See Art. III, Div. II, Sec. 2.02(H)(2). The B-40 District requires that side yard setbacks be "twenty (20) feet for one-story buildings" and "twenty-five (25) feet for two-story buildings." See Art. III, Div. III, Sec. 3.02(H)(2).

⁹ See Bd. of County Comm'rs v. Snyder, 627 So. 2d 474, 476 (Fla. 1993).

Page 3 of 3
11 Isle Ridge/Lot 19
District Boundary Change

My client's District Boundary Change will be consistent with and complementary to the Town's existing planning and zoning, surrounding properties, and cohesive with the characteristics of the area in which the property is located. If you have any questions or concerns regarding this District Boundary Change or the supporting attachments, please do not hesitate to contact the undersigned.

Sincerely,



Jared Gaylord, Esq.
/JEG
Encl.

LAW OFFICES OF
MARC R. GAYLORD, P.A.

12000 S.E. OLD DIXIE HIGHWAY
HOBE SOUND, FL 33455
TEL: (772) 545-7740
FAX: (772) 545-7782

MARC R. GAYLORD, ESQ
JARED E. GAYLORD, ESQ.
FORD T. DWYER, ESQ.

May 10, 2023

VIA HAND DELIVERY

Ruben Cruz
Town of Jupiter Island
P.O. Box 7
Hobe Sound, Florida 33475

RE: Edward H. Hamm, Jr., Trustee of Edward H. Hamm, Jr. Revocable Trust
Article X, Division VI, Section 6.00 - Standards
Property Address: 11 Isle Ridge Road, Hobe Sound, Florida 33455 (Lot 19)

Dear Mr. Cruz:

This office represents the interests of Edward H. Hamm, JR., Trustee of the Edward H. Hamm, Jr. Revocable Trust, as it pertains to his request to use Article X, Division VI, Section 6.00, for a District Boundary Change of 11 Isle Ridge Road from the B-40 1-Acre Estate Residential Zoning District to the A-80 2-Acre Estate Residential Zoning District.

My client's request satisfies the District Boundary Change standards set forth in Article X, Division VI, Section 6.00 because:

- A. The proposed amendment is consistent with and furthers the goals, policies, and objectives of the Comprehensive Plan and furthers the purposes of these Land Development Regulations and other Town Ordinances and actions designed to implement the Comprehensive Plan.

The proposed District Boundary Change from the B-40 District to the A-80 District is consistent with the Town's Comprehensive Plan, the Future Land Use Map ("FLUM"), the Land Development Regulations ("LDR"), and other Town Ordinances. The impetus for this application was a subdivision application to the Town's Board of Adjustment and Commission.¹ The Coral Crest subdivision will not create an additional lot, but merely shift the boundary line that presently exists between the 11 Isle Ridge and 252 South Beach properties. This will create a cohesive Intracoastal lot and a landlocked lot along South Beach Road. The existing 252 South

¹ As of May 10, 2023, the Board of Adjustment has recommended approval of the subdivision at the Board's January 30, 2023 and March 30, 2023 meetings. The Town Commission recommended approval of the subdivision at the Commission's March 7, 2023 meeting. The subdivision is scheduled for final approval before the Town Commission on May 18, 2023.

Beach Road property is located in the A-80 District. To ensure that the entire Intracoastal lot is in the same zoning district, this request was filed.

This amendment will not change the Property's use, which will remain residential. This use is consistent with the Town's FLUM for the Property and all relevant sections of the Comprehensive Plan.

- B. The available uses to which the property may be put are appropriate to the property which is subject to the proposed amendment, and compatible with existing and planned uses in the area.

11 Isle Ridge's existing zoning district, the B-40 District, is a residential zoning district. The proposed zoning district, the A-80 District, is similarly residential in nature and currently is the adjacent zoning district to the south of the Property. The proposed zoning designation of the A-80 District is also compatible with the Town's proposed plan for this Property, as evidenced by the FLUM. The area surrounding the Property is similarly residential in nature – located in either the A-80 or B-40 Districts.

- C. The amendment does not conflict with the needs and character of the neighborhood and the Town.

Granting the District Boundary Change will not conflict with the need or character of the neighborhood or Town. As previously stated, the surrounding neighborhood is predominantly residential, located in either the A-80 or B-40 Districts. The closest non-residential use is 280 South Beach Road² – which is zoned in the Recreation Club District – approximately 1200 feet south of the Property. The slight, “down zoning” change from B-40 to A-80 will not negatively impact the Town or the neighborhood.

- D. The amendment will not adversely or unreasonably affect the use of other property in the area.

The requested District Boundary Change from the B-40 District to the A-80 District will not adversely or unreasonably affect the use of other property in the area. There will be no change in type of use, which will remain residential. The proposed change to the A-80 District will result in a relatively similar regulatory scheme – one which requires the same front and rear yard setbacks, the permitted same floor area calculations, the same landscaped open space, the same building limit, the same building height, and the same permitted uses.³ These similarities between the A-80 and B-40 Districts ensure that the amendment will not adversely or unreasonably affect the use of other property in the area.

² This is the Hobe Sound Yacht Club.

³ Compare generally Article III, Division II, “A-80 District”: 2-Acre Estate Residential District, TOWN OF JUPITER ISLAND LAND DEVELOPMENT REGULATIONS (2021) with Article III, Division III, “B-40 District”: 1-Acre Estate Residential District, TOWN OF JUPITER ISLAND LAND DEVELOPMENT REGULATIONS (2021).

- E. The amendment will not adversely burden public facilities, including the traffic carrying capacities of streets, in an unreasonably or disproportionate manner.

The District Boundary Change will not adversely burden public facilities or traffic carrying capacities of streets in an unreasonable or disproportionate manner because the proposal will not alter the proposed use of the Property from residential and will not create an additional lot. The traffic engineering study, performed by Simmons & White in conjunction with my client's subdivision application, determined the traffic trips would stay the same with the proposed property line adjustment because the proposed residential use and number of lots would remain the same as present conditions.⁴ In fact, the proposed subdivision provides 11 Isle Ridge two potential ingress and egress points, potentially *easing* traffic burdens. The Property currently only has legal access from Isle Ridge.

- F. The district boundaries are approximately drawn with due regard to locations and classifications of streets, ownership lines, existing improvements and the natural environment.

The requested District Boundary Change was drawn with respect to the classification of streets, ownership lines, existing improvements, and the natural environment. The change from the B-40 to the A-80 District will not impact the classification of Isle Ridge or South Beach Road, because it will not result in a change in use, traffic, or the number of lots. The District Boundary Change will only affect Mr. Hamm's Property and will not impact the ownership lines of any other person. While the current lot is vacant, much of the surrounding community is developed with single-family residences. The change to the A-80 District will not negatively affect neighboring improvements – private or public – because it will not change the Property's use type or potential for redevelopment that exists today. Similarly, the District Boundary Change will not result in negative impacts to the natural environment. The requested change from the B-40 to the A-80 District is to merely make Mr. Hamm's Property have a consistent zoning classification once the subdivision process is complete.

If you have any questions or concerns regarding this District Boundary Change application, or any of the attachments included herein, please do not hesitate contacting the undersigned.

Sincerely,



Jared Gaylord, Esq.

JEG

Encl.

⁴ The estimated traffic count for the existing development is 19 trips per day. The estimated traffic count for the proposed development is 19 trips per day.

DIVISION 2. - "A-80 DISTRICT": 2-ACRE ESTATE RESIDENTIAL DISTRICT

Sec. 2.00. - Permitted uses.

The following uses are permitted in the A-80 District:

- A. Single-family dwelling.
- B. Accessory uses which are customarily and typically incidental to a single family detached dwelling and do not involve any business activity, including staff quarters, garages and surface parking, guest houses, beach houses, greenhouses, garden storage structures, tennis courts, swimming pools, docks and dune crossovers. No more than two accessory buildings for living quarters shall be permitted. Accessory uses not listed herein are prohibited, unless approved as an alternative accessory use by the board of adjustment.

(Ord. No. 334, § 2, 5-16-11)

Sec. 2.01. - Prohibited uses.

The following uses are prohibited in the A-80 District:

- A. The rental of any portion of a lot or building which does not include the use and occupancy of the single family dwelling which is the principal building on the lot.
- B. Storage of manure or odor- or dust-producing substances or uses within 50 feet of any lot line.
- C. Reverse osmosis plants, except if the reverse osmosis plant is approved by the board of adjustment as an accessory use pursuant to the provisions of article X, section 3.13 of the Land Development Regulations.
- D. Executive/employee/group vacation/retreats are prohibited in this zoning district.
- E. Any other use not specifically permitted in these regulations.

(Ord. No. 337, § 2, 12-13-11)

Sec. 2.02. - Development standards.

Development within the A-80 District shall comply with the following standards:

- A. *Density*. Density shall not exceed one dwelling unit per two acres of lot area.
- B. *Building limit*. No lot shall be developed with more than one single-family dwelling unit.
- C. *Building height*. The height of any building shall not exceed two stories.
- D. *Minimum lot area*. The minimum lot area is two acres.

Minimum lot width The minimum lot width is 200 feet

minimum lot width, the minimum lot width is 200 feet.

E.

F. *Permitted floor area.* The maximum floor area permitted on any lot within this district shall not exceed a floor area of:

1. Seventeen and one-quarter percent of the lot area that is less than or equal to one acre; plus
2. Seven percent of the lot area that is greater than one acre, but less than or equal to four acres; plus
3. Three and one-half percent of the lot area that is greater than four acres.

G. *Maximum floor area of single building.* The maximum floor area of a single building shall not exceed 10,000 square feet.

H. *Required yards.* Each lot shall have front, side and rear yards that are equal to or greater than the following:

1. *Front yard:* 50 feet.
2. *Side yard:*
 - a. Twenty-five feet for one-story buildings.
 - b. Thirty feet for two-story buildings. (See Illustration 7: One- and Two-Story Setback Lines, Exhibit A)
3. *Rear yard:* 50 feet except for waterfront lots, which shall comply with article IV, section 3.02.

I. *Permitted encroachments.* Eaves and overhangs of 30 inches in depth may encroach into any required yard.

J. *Required landscaping.* Minimum landscaped area shall be 50 percent of the lot area.

DIVISION 3. - "B-40 DISTRICT": 1-ACRE ESTATE RESIDENTIAL DISTRICT

Sec. 3.00. - Permitted uses.

The following uses are permitted in the B-40 District:

- A. Single-family dwelling.
- B. Accessory uses which are customarily and typically incidental to a single family detached dwelling and do not involve any business activity, including staff quarters, garages and surface parking, guest houses, beach houses, greenhouses, garden storage structures, tennis courts, swimming pools, docks and dune crossovers. No more than two accessory buildings for living quarters shall be permitted. Accessory uses not listed herein are prohibited, unless approved as an alternative accessory use by the board of adjustment.

(Ord. No. 334, § 3, 5-16-11)

Sec. 3.01. - Prohibited uses.

The following uses are prohibited in the B-40 District:

- A. The rental of any portion of a lot or building which does not include the use and occupancy of the single family dwelling which is the principal building on the lot.
- B. Storage of manure or odor- or dust- producing substances or uses within 50 feet of any lot line.
- C. Reverse osmosis plants, except if the reverse osmosis plant is approved by the board of adjustment as an accessory use pursuant to the provisions of article X, section 3.13 of the Land Development Regulations.
- D. Executive/employee/group vacation/retreats are prohibited in this zoning district.
- E. Any other use not specifically permitted in these regulations.

(Ord. No. 337, § 3, 12-13-11)

Sec. 3.02. - Development standards.

Development within the B-40 District shall comply with the following standards:

- A. *Density*. Density shall not exceed one dwelling unit per acre of lot area.
- B. *Building limit*. No lot shall be developed with more than one single-family dwelling unit.
- C. *Building height*. The height of any building shall not exceed two stories.
- D. *Minimum lot area*. The minimum lot area is one acre.
- E. *Minimum lot width*. The minimum lot width is 140 feet.
- F. *Permitted floor area*.
 - 1. The maximum floor area permitted on any lot within this district shall not exceed a floor area of:
 - a. Seventeen and one-quarter percent of the lot area that is less than or equal to one acre; plus
 - b. Seven percent of the lot area that is greater than one acre, but less than or equal to four acres; plus
 - c. Three and one-half percent of the lot area that is greater than four acres.
 - 2. For the purpose of calculating maximum floor area, the lot area of two lots which are separated by a roadway may be combined, if:
 - a.

The lot from which the floor area is transferred lies between the Intracoastal Waterway and a public road, and due to the location of the waterfront setback line and the setback requirements of the B-40 district, cannot reasonably be developed with a building; and

b. The lots which are the subject of the transfer of floor area:

(1) Are legally described as a single lot; or

(2) Are subject to a unity of title; or

(3) Are held under common ownership and a unity of title in recordable form is provided by the applicant and approved by the town in conjunction with the transfer of floor area; and

c. A "no build" easement over the property from which the floor area has been transferred is provided by the applicant in recordable form and approved by the town in conjunction with the transfer of floor area.

G. *Maximum floor area of single building.* The maximum floor area of a single building shall not exceed 10,000 square feet.

H. *Required yards.* Each lot shall have front, side and rear yards that are equal to or greater than the following:

1. *Front yard:* 50 feet.

2. *Side yard:*

a. Twenty feet for one-story buildings.

b. Twenty-five feet for two-story buildings. (See Illustration 7: One- and Two-Story Setback Lines, Exhibit A)

3. *Rear yard:* 50 feet except for waterfront lots, which shall comply with article IV, section 3.02.

I. *Permitted encroachments.* Eaves and overhangs of 30 inches in depth may encroach into any required yard.

J. *Required landscaping.* Minimum landscaped area shall be 50 percent of the lot area.

TITLE SEARCH REPORT

Fund File Number: 1336576

The information contained in this title search is being furnished by Attorneys' Title Fund Services, LLC. If this report is to be used by a title insurance agent for evaluation and determination of insurability by the agent prior to the issuance of title insurance, then the agent shall have liability for such work.

Provided For: Marc R. Gaylord, P.A.

Agent's File Reference: Hamm Trust 2

After an examination of this search the Agent must:

- A. Evaluate all instruments, plats and documents contained in the report.*
- B. Include in the Commitment under Schedule B, any additional requirements and/or exceptions you find necessary from your analysis of the surveys, prior title evidence or other relevant information from the transaction.*
- C. Verify the status of corporations and limited partnerships and other business entities with the appropriate governmental agency or other authority.*
- D. Determine whether the property has legal access.*
- E. Determine if any unpaid municipal taxes or assessments exist, which are not recorded in the Official Records Books of the county.*
- F. Determine whether any portion of the property is submerged or artificially filled, if the property borders a body of water, and if riparian or littoral rights exist.*
- G. The information provided herein does not include a search of federal liens and judgment liens filed with the Florida Department of State pursuant to Sec. 713.901, et seq., F.S., and Sec. 55.201, et seq., F.S., respectively, which designate the Florida Department of State as the place for filing federal liens and judgment liens against personal property. For insuring purposes:
 - (a) Pursuant to Sec. 713.901, et seq., F.S., personal property includes, but is not limited to, mortgages, leaseholds, mortgages on leaseholds, interests in cooperative associations, vendees' interests, and options when those interests are held by a partnership, corporation, trust or decedent's estate; and*
 - (b) Pursuant to Sec. 55.201, et seq., F.S., personal property includes, but is not limited to, leaseholds, interests in cooperative associations, vendees' interests, and options regardless of the type of entity holding such interests, including individuals. (Note: Mortgages have been specifically excluded from the personal property interests in which a judgment lien may be acquired under the provisions of Sec. 55.201, et seq., F.S.)**

Prepared Date: November 4, 2022

Attorneys' Title Fund Services, LLC

Prepared by: Nancy Ascanio, Senior Examiner

Phone Number: (800) 344-6645 x6510

Email Address: NAscanio@thefund.com

TITLE SEARCH REPORT

Fund File Number: 1336576

Effective Date of approved base title information: July 1, 1977

Effective Date of Search: October 27, 2022 at 11:00 PM

Apparent Title Vested in:

Edward H. Hamm, Jr., as Trustee of the Edward Hersey Hamm, Jr. Revocable Trust

Description of real property to be insured/foreclosed situated in Martin County, Florida.

See Exhibit A

Muniments of Title, including bankruptcy, foreclosure, quiet title, probate, guardianship and incompetency proceedings, if any, recorded in the Official Records Books of the county:

1. Warranty Deed from Margaret C. Strahley to Edward H. Hamm, recorded August 1, 1977 in O.R. Book 425, Page 550, Public Records of Martin County, Florida.
2. Quit Claim Deed from Edward H. Hamm to Edward H. Hamm, as Trustee under the Amendment and Restatement of Trust of Edward H. Hamm dated October 10, 1995, recorded July 30, 1996 in O.R. Book 1189, Page 838, Public Records of Martin County, Florida.
3. Death Certificate of Edward H Hamm Sr, recorded in O.R. Book 3226, Page 2949, Affidavit re: Florida Estate Taxes recorded in O.R. Book 3242, Page 146, Public Records of Martin County, Florida.
4. Quit Claim Deed from Edward H. Hamm, Jr., as Trustee of the Trust of Edward H. Hamm to Edward H. Hamm, Jr., as Trustee of the Edward Hersey Hamm, Jr. Revocable Trust, recorded September 28, 2021 in O.R. Book 3259, Page 1761, Public Records of Martin County, Florida. Note: No marital or non homestead language on deed.

Mortgages, Assignments and Modifications:

1. Nothing Found

Other Property Liens:

1. General or special taxes and assessments required to be paid for the year(s) 2022.

Restrictions/Easements:

1. All matters contained on the Plat of Maintenance Map/Specific Purpose Survey of a portion of S.E. Beach Road (C.R. 707), as recorded in RP Book 1, Page 87, Public Records of Martin County, Florida.

TITLE SEARCH REPORT

Fund File Number: 1336576

2. Any portion of the Land lying waterward of the Erosion Control Line identified in Plat Book 6, Page 40; Plat Book 9, Page 99, Public Records of Martin County, Florida, and lands accreted thereto.
3. All matters contained on the Plat of Isle Ridge, as recorded in Plat Book 2, Page 53, Public Records of Martin County, Florida.
4. Ordinance No. 350 by the Martin County Board of County Commissioners dated July 26, 1988 and recorded on August 11, 1988 in O.R. Book 776, Page 1378, Public Records of Martin County, Florida (Sea Turtles).
5. Resolution recorded in Deed Book 39, Page 417, Public Records of Martin County, Florida.
6. Utility Easement to the Town of Jupiter Island recorded in O.R. Book 2319, Page 2049, Public Records of Martin County, Florida.
7. Resolution of Special Assessment recorded January 6, 2022, in O.R. Book 3284, Page 1078, Public Records of Martin County, Florida.
8. Covenants, conditions and restrictions contained in Warranty Deed recorded in Deed Book 40, Page 571, and restated in Deed Book 37, Page 157, Public Records of Martin County, Florida, omitting any such covenants or restrictions based on race color religion.
9. Note: The subject property appears to border on a body of water.
10. Rights of the lessees under unrecorded leases.

Other Encumbrances:

1. Terms and Conditions of the unrecorded Trust referred to in instruments recorded in O.R. Book 1189, Page 838; O.R. Book 3259, Page 1761, Public Records of Martin County, Florida, and subject to the rights, title and interest of all beneficiaries named in said trust.

REAL PROPERTY TAX INFORMATION ATTACHED

Proposed Insured:

A 20-year name search was not performed on the proposed insured. It is the agent's responsibility to obtain a name search if a loan policy to be issued based on this product is other than a 100% purchase money mortgage.

STANDARD EXCEPTIONS

Unless satisfactory evidence is presented to the agent eliminating the need for standard exceptions, the following should be made a part of any commitment or policy.

TITLE SEARCH REPORT

Fund File Number: 1336576

1. *General or special taxes and assessments required to be paid in the year 2022 and subsequent years.*
2. *Rights or claims of parties in possession not shown by the public records.*
3. *Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey and inspection of the premises.*
4. *Easements or claims of easements not shown by the public records.*
5. *Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.*
6. *Any owner policy issued pursuant hereto will contain under Schedule B the following exception: Any adverse ownership claim by the State of Florida by right of sovereignty to any portion of the lands insured hereunder, including submerged, filled and artificially exposed lands, and lands accreted to such lands.*
7. *Federal liens and judgment liens, if any, filed with the Florida Department of State pursuant to Sec. 713.901, et seq., F.S., and Sec. 55.201, et seq., F.S., respectively, which designate the Florida Department of State as the place for filing federal liens and judgment liens against personal property. For insuring purposes:*
 - (a) *Pursuant to Sec. 713.901, et seq., F.S., personal property includes, but is not limited to, mortgages, leaseholds, mortgages on leaseholds, interests in cooperative associations, vendees' interests, and options when those interests are held by a partnership, corporation, trust or decedent's estate; and*
 - (b) *Pursuant to Sec. 55.201, et seq., F.S., personal property includes, but is not limited to, leaseholds, interests in cooperative associations, vendees' interests, and options regardless of the type of entity holding such interests, including individuals. (Note: Mortgages have been specifically excluded from the personal property interests in which a judgment lien may be acquired under the provisions of Sec. 55.201, et seq., F.S.)*
8. *Any lien provided by County Ordinance or by Chapter 159, Florida Statutes, in favor of any city, town, village or port authority, for unpaid service charges for services by any water systems, sewer systems or gas systems serving the land described herein; and any lien for waste fees in favor of any county or municipality.*

The report does not cover bankruptcies or other matters filed in the Federal District Courts of Florida.

In foreclosure proceedings, title should be examined between the effective date of this report and the recording of the lis pendens to assure that all necessary and proper parties are joined. Consideration should be given to joining as defendants any persons in possession, other than the record owner, and any parties, other than those named herein, known to the plaintiff or the plaintiff's attorney and having or claiming an interest in the property.

TITLE SEARCH REPORT

Fund File Number: 1336576

Prior to issuance of any policy of title insurance underwritten by Old Republic National Title Insurance Company, the agent must obtain and evaluate a title search for the period between the effective date of this Title Search Report and the recording date(s) of the instrument(s) on which the policy is based.

If this product is not used for the purpose of issuing a policy, then the maximum liability for incorrect information is \$1,000.

Note: The Agent is responsible for obtaining underwriting approval on any commitment prepared from this product in the amount of \$1,000,000.00 or more.

TITLE SEARCH REPORT
Exhibit A

Fund File Number: 1336576

Lot 19, Isle Ridge, according to the map or plat thereof as recorded in Plat Book 2, Page 53, Public Records of Martin County, Florida.

SIMMONS & WHITE
2581 Metrocentre Blvd West, Suite 3 West Palm Beach, Florida 33407
O 561.478.7848 | F 561.478.3738 www.simmonsandwhite.com
Certificate of Authorization Number 3452



TRAFFIC ENGINEERING STUDY

PLAT OF CORAL RIDGE
2-LOT SUBDIVISION
TOWN OF JUPITER ISLAND, FLORIDA

Prepared for:

Marc R. Gaylord, P.A.
12000 SE Old Dixie Highway
Hobe Sound, Florida 33455

Job No. 23-020

Digitally signed by Robert F. Rennebaum
Date: 2023.01.31 11:42:08 -05'00'

Robert F. Rennebaum, P.E.
FL Reg. No. 41168

Robert F. Rennebaum, P.E., State of Florida,
Professional Engineer, License No. 41168
This item has been electronically signed and
sealed by Robert F. Rennebaum, P.E. on 01/31/2023
using a SHA-1 Authentication Code.
Printed copies of this document are not considered signed
and sealed and the SHA-1 Authentication Code must
be verified on any electronic copies.

1.0 SITE DATA

The subject parcel consists of two existing platted lots located on the west side of South Beach Road in the Town of Jupiter Island, Florida:

Lot 1 of Coral Crest Subdivision (Plat Book 14, Page 60)
Property Control No. 35-38-42-030-000-00010-0

Lot 19 Isle Ridge Subdivision (Plat Book 2, Page 53)
Property Control No. 35-38-42-010-000-00190-6

Proposed modifications consist of re-platting the two existing platted lots to reconfigure the lot lines, resulting in two new lots. No change in the number of lots is proposed. Site access for Lot 1 (the existing residence at 252 South Beach Road) is existing via an existing driveway connection to South Beach Road. Site access for Lot 2 (the westerly lot) is existing via an existing driveway connection to South Beach Road. An alternate access is available to Lot 2 at the northeast corner of the site via Isle Ridge Road West to Isle Ridge leading to South Beach Road.

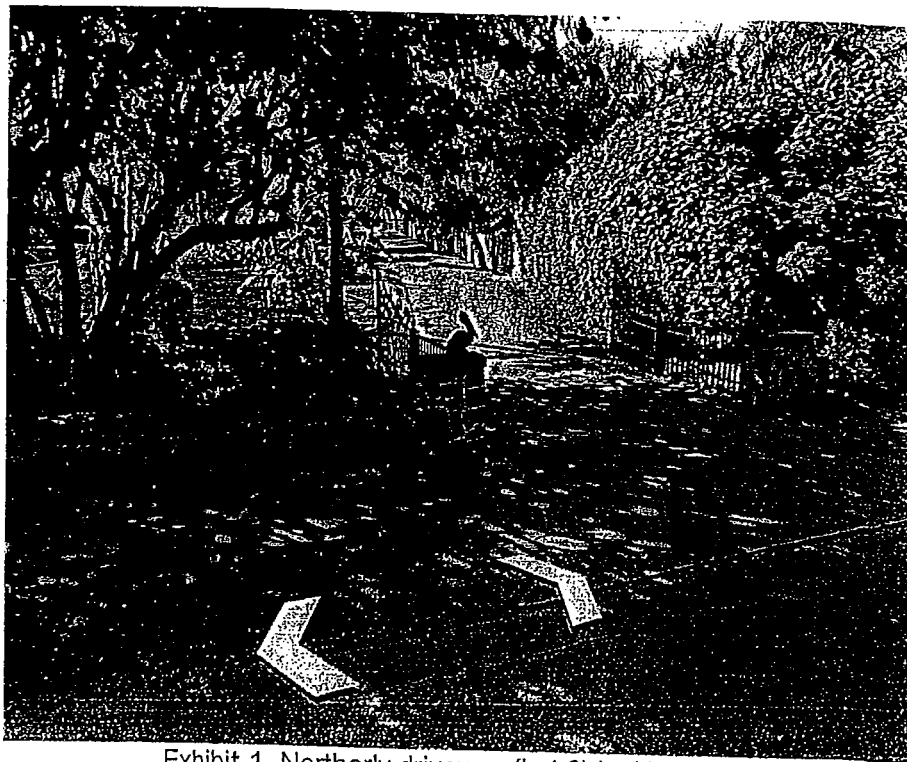


Exhibit 1, Northerly driveway (Lot 2) looking west.

1.0 SITE DATA (CONT.)

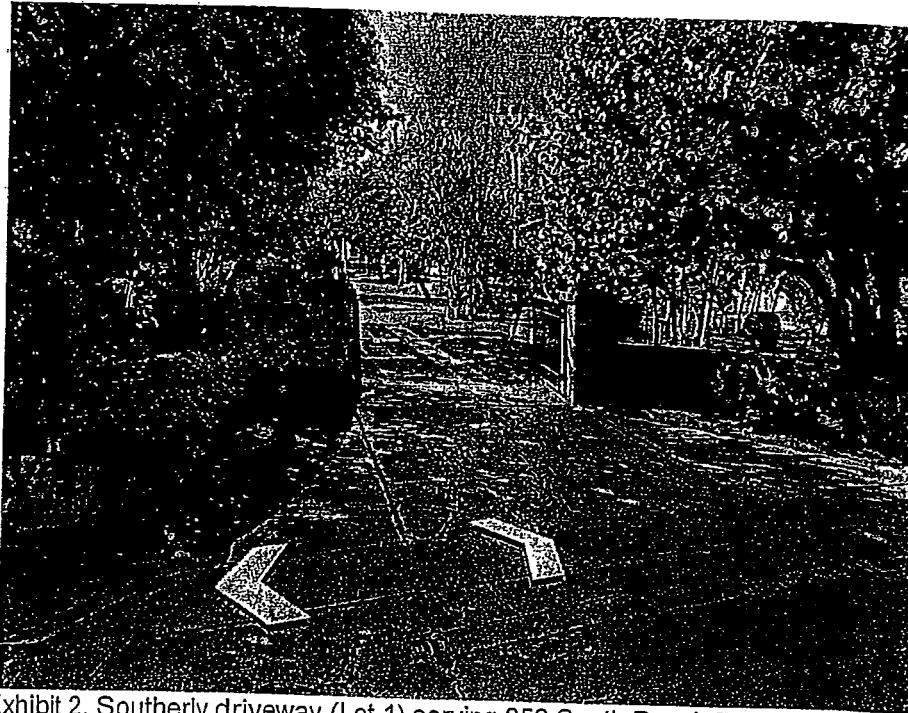


Exhibit 2, Southerly driveway (Lot 1) serving 252 South Beach Road, looking west.

For additional information concerning site location and lot layout, please refer to the proposed plat of Coral Ridge prepared by R.L. Vaught & Associates, Inc.

2.0 TRAFFIC GENERATION

The traffic generation for the two existing platted lots has been calculated in accordance with the traffic generation rates listed in the *ITE Trip Generation Manual, 10th Edition* as shown in Tables 1-3 attached with this report. Table 1 shows the daily traffic generation associated with the approved development in trips per day (tpd). Tables 2 and 3 show the AM and PM peak hour traffic generation, respectively, in peak hour trips (pht). The traffic generated by the approved two lots may be summarized as follows:

Approved Development

Daily Traffic Generation	=	19 tpd
AM Peak Hour Traffic Generation (In/Out)	=	1 pht (0 In/1 Out)
PM Peak Hour Traffic Generation (In/Out)	=	2 pht (1 In/1 Out)

2.0 TRAFFIC GENERATION (CONT.)

The traffic to be generated by the proposed reconfigured two-lot subdivision has also been calculated in accordance with traffic generation rates listed in the *ITE Trip Generation Manual, 10th Edition* as shown in Tables 4-6. Table 4 shows the daily traffic generation associated with the proposed plan of development. Tables 5 and 6 show the A.M. and P.M. peak hour traffic generation, respectively. The traffic to be generated by the proposed two-lot subdivision may be summarized as follows:

Proposed Development

Daily Traffic Generation	=	19 tpd
AM Peak Hour Traffic Generation (In/Out)	=	1 pht (0 In/1 Out)
PM Peak Hour Traffic Generation (In/Out)	=	2 pht (1 In/1 Out)

The difference in traffic generation as a result of reconfiguring the existing lot lines (2 lots, no change) is shown in Table 7 and may be summarized as follows:

Trip Generation Increase

Daily Traffic Generation	=	0 tpd
A.M. Peak Hour Traffic Generation	=	0 pht (0 IN/0 OUT)
P.M. Peak Hour Traffic Generation	=	0 pht (0 IN/0 OUT)

3.0 SITE RELATED IMPROVEMENTS

The A.M. and P.M. peak hour turning movement volumes and directional distributions at the project entrances will not change.

Because there is no change in traffic volumes associated with the proposed lot reconfiguration, no site access modifications appear warranted.

4.0 TRAFFIC CONTROL DEVICES & SIGN LOCATIONS

Because there is no change in the number of lots (or traffic volumes), no additional traffic control devices or signs appear warranted.

5.0 CONCLUSION

As shown in Table 7, the requested lot reconfiguration will not result in an increase in daily, AM peak hour or PM peak hour trips. The replat is anticipated to have no impact on the surrounding roadways and is approvable with regard to traffic.

CORAL RIDGE SUBDIVISION

01/30/2023

EXISTING 2-LOT SUBDIVISION TRAFFIC GENERATION

TABLE 1 - Daily Traffic Generation

Land Use Code	Intensity	Rate/Equation	Dir Split In/Out	Gross Trips In/Out Total	Internalization %	Internalization In/Out Total	External Trips In/Out Total	Pass-by %	Pass-by Trips	Net Trips
210 Single Family Detached	2	9.44		19	0.0%	0	19	0%	0	19
Grand Totals:										

TABLE 2 - AM Peak Hour Traffic Generation

Land Use Code	Intensity	Rate/Equation	Dir Split In/Out	Gross Trips In/Out Total	Internalization %	Internalization In/Out Total	External Trips In/Out Total	Pass-by %	Pass-by Trips	Net Trips
210 Single Family Detached	2	0.74	0.25 / 0.75	1 / 1	0.0%	0 / 0	0 / 1	0%	0	1
Grand Totals:										

TABLE 3 - PM Peak Hour Traffic Generation

Land Use Code	Intensity	Rate/Equation	Dir Split In/Out	Gross Trips In/Out Total	Internalization %	Internalization In/Out Total	External Trips In/Out Total	Pass-by %	Pass-by Trips	Net Trips
210 Single Family Detached	2	$Lk(N) = 0.96 Lk(X) + 0.20$	0.63 / 0.37	1 / 1	0.0%	0 / 0	1 / 1	0%	0	1
Grand Totals:										



CORAL RIDGE SUBDIVISION

01/30/2023

PROPOSED RECONFIGURED 2-LOT SUBDIVISION TRAFFIC GENERATION

TABLE 4 - Daily Traffic Generation

Landuse	TLE Code	Intensity	Rate/Equation	Dir Split In/Out	Gross Trips In/Out	Internalization %	External Trips In/Out	Pass-by %	Net Trips In/Out
Single Family Detached	210	2	9.44		19	0	19	0%	19
Grand Totals:					19	0.0%	19	0%	19

TABLE 5 - AM Peak Hour Traffic Generation

Landuse	TLE Code	Intensity	Rate/Equation	Dir Split In/Out	Gross Trips In/Out	Internalization %	External Trips In/Out	Pass-by %	Net Trips In/Out
Single Family Detached	210	2	0.74	0.25 / 0.75	0 / 1	0.0%	0 / 1	0%	0 / 1
Grand Totals:					0 / 1	0.0%	0 / 1	0%	0 / 1

TABLE 6 - PM Peak Hour Traffic Generation

Landuse	TLE Code	Intensity	Rate/Equation	Dir Split In/Out	Gross Trips In/Out	Internalization %	External Trips In/Out	Pass-by %	Net Trips In/Out
Single Family Detached	210	2	$Lr(X) = 0.96 Lr(X) + 0.20$	0.63 / -0.37	1 / 2	0.0%	1 / 2	0%	1 / 2
Grand Totals:					1 / 2	0.0%	1 / 2	0%	1 / 2



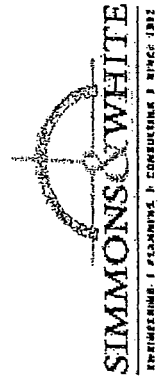
CORAL RIDGE SUBDIVISION

01/30/2023

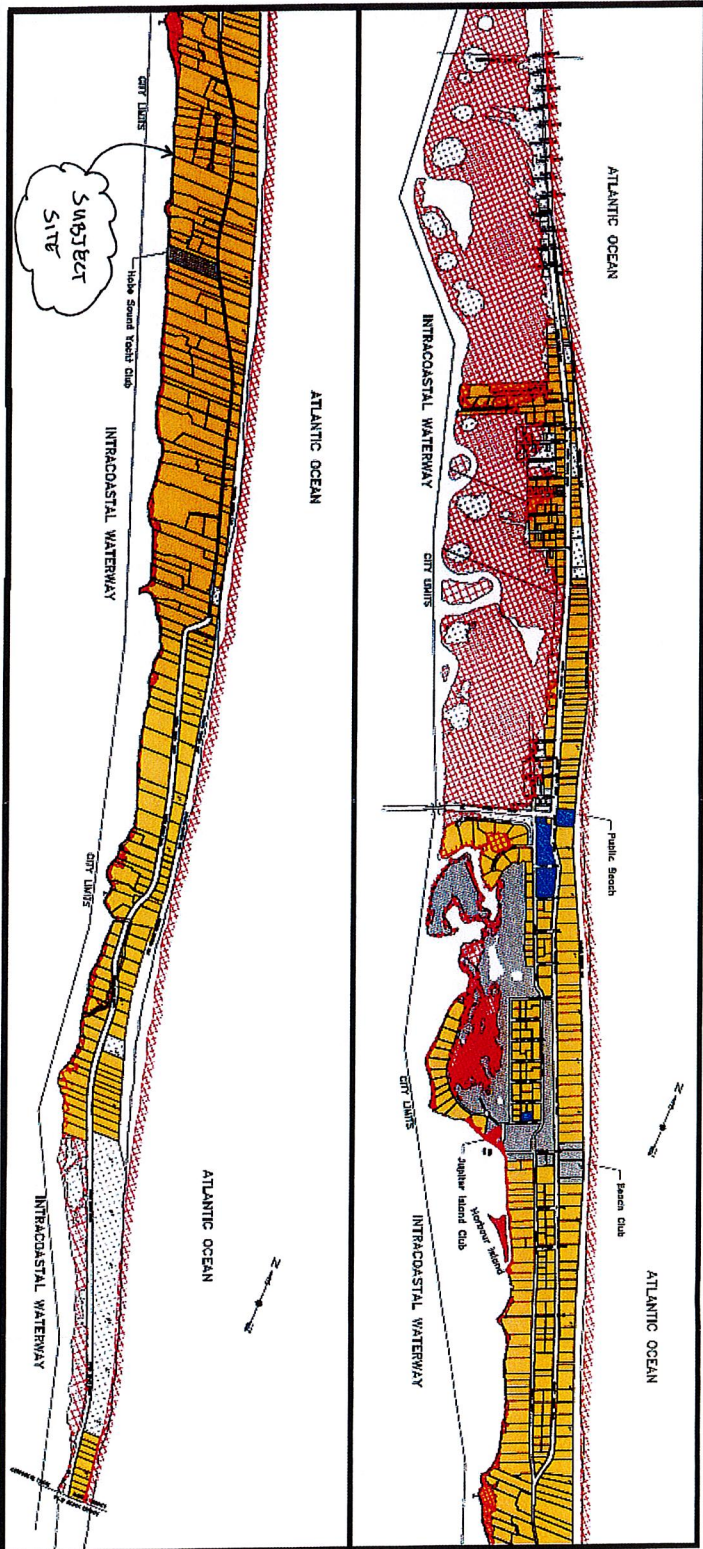
TABLE 7
TRAFFIC GENERATION INCREASE

	DAILY		AM PEAK HOUR		PM PEAK HOUR	
	TOTAL	IN	TOTAL	IN	TOTAL	IN
APPROVED DEVELOPMENT	19	0	1	0	2	1
PROPOSED DEVELOPMENT	19	0	1	0	2	1
INCREASE	0	0	0	0	0	0

X:\Documents\PROJECTS\2023\23-020 252 S. Beach Road\Trip Gen.xlsx
BK



TOWN OF JUPITER ISLAND



Energy Conservation Strategy & Green House Gas Reducing Strategy
 The Ramble (a pedestrian and bicycle friendly pathway) runs from the
 Jupiter Island Club south on River Rd. to Sherwin Rd. east to Gomez and
 south to 617 S. Beach Rd.
 The entire island has been designated with a 30 MPH Speed Limit to allow
 for Golf Cart usage on all roads.

2030 Future Land Use Map



NOTE: COASTAL HIGH HAZARD AREAS
 BASED ON CAT 1 STORM SURGE ELEVATION
 OBTAINED FROM MARTIN COUNTY GIS
 DEPARTMENT, UPDATED 2015

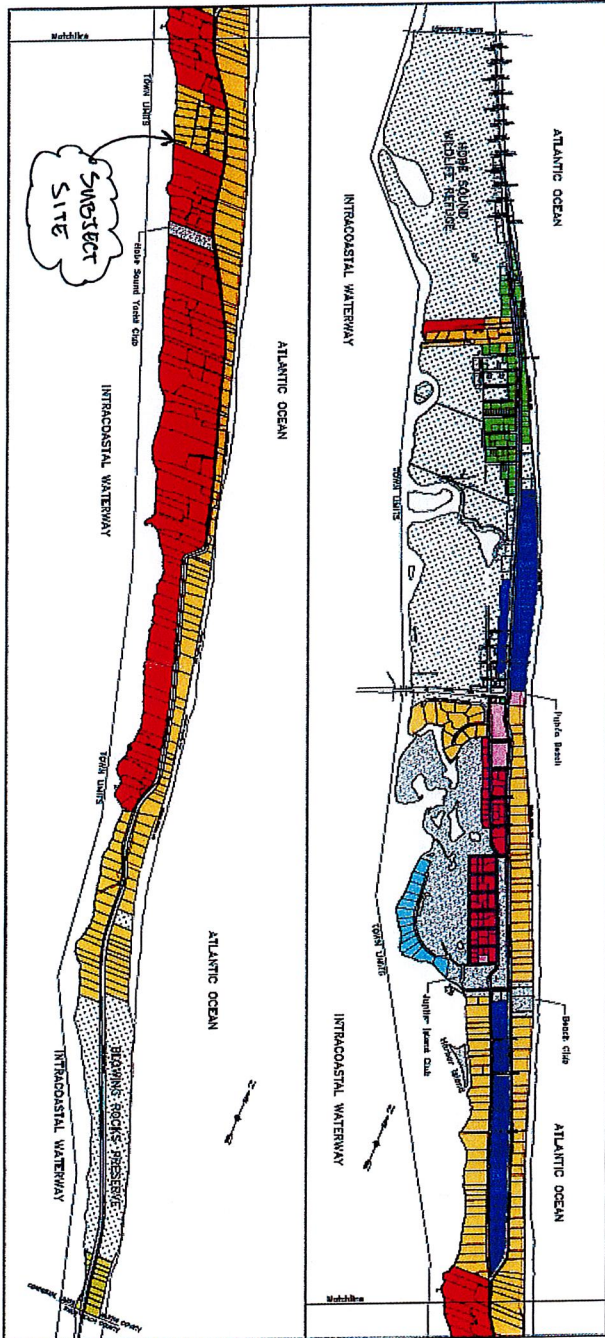
- RESIDENTIAL
- CONSERVATION
- RECREATION
- PUBLIC DISTRICT
- COASTAL HIGH HAZARD AREAS

FUTURE LAND USE MAP
 TOWN OF
JUPITER ISLAND
 MARTIN COUNTY, FLORIDA
 ADOPTED _____

FOR THE RECORD, THE TOWN BOARD OF JUPITER ISLAND, FLORIDA, HAS REVIEWED AND APPROVED THE FUTURE LAND USE MAP FOR THE TOWN OF JUPITER ISLAND, MARTIN COUNTY, FLORIDA, AS SHOWN ON THIS MAP. THE TOWN BOARD OF JUPITER ISLAND, FLORIDA, HAS REVIEWED AND APPROVED THE FUTURE LAND USE MAP FOR THE TOWN OF JUPITER ISLAND, MARTIN COUNTY, FLORIDA, AS SHOWN ON THIS MAP.

Revision: June 16, 2017
 Sotogren & Spangol Associates, Inc.

TOWN OF JUPITER ISLAND



Official Zoning Map

- A-80 - 2-Acre Estate Residential District
- B-40 - 1-Acre Estate Residential District
- C-35 - Central Riverfront Residential District
- CPD - Conservation/Preservation District
- D-25 - Island Core Residential District
- E-12 - Island Core Residential District
- F-15 - Island Core Residential District
- G-35 - South Island Residential District
- PLD - Public Lands District
- RCD - Recreation Club District

Revised: December 27, 2018
 Adopted: 8/27/2018
 Ordinance No. 2018-001

ZONING MAP
 TOWN OF
JUPITER ISLAND
 MARTIN COUNTY, FLORIDA
 ADOPTED _____

Plat

