

RESOLUTION NO. R-90-296

RESOLUTION APPROVING ZONING PETITION NO. 90-6
SPECIAL EXCEPTION PETITION OF
BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY

WHEREAS, the Board of County Commissioners, as the governing body, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements as provided for in Chapter 402.5 of the Palm Beach County Zoning Code have been satisfied; and

WHEREAS, Petition No. 90-6 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on February 22, 1990; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, has considered the evidence and testimony presented by the applicant and other interested parties and the recommendations of the various county review agencies and the recommendations of the Planning Commission; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, 402.5 of the Zoning Code requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 90-6, the petition of the Board of County Commissioners of Palm Beach County through the Palm Beach County Department of Airports, by Bruce Pelly, Agent, for a SPECIAL EXCEPTION TO ALLOW A PUBLIC AIRPORT AND RELATED FACILITIES on an approximately 1,832 acre plot of land more particularly described on the attached Exhibit A, being located on the south side of BeeLine Highway (SR710), approximately .25 mile north of PGA Boulevard is hereby approved on February 22, 1990, as advertised, subject to the following conditions:

APPLICATION FOR DEVELOPMENT APPROVAL

1. The North Palm Beach County General Aviation Airport Application for Development Approval is incorporated herein by reference. It is relied upon, but not to the exclusion of other available information, by the parties in discharging their statutory duties under Chapter 380, Florida Statutes. Substantial compliance with the representations contained in the Application for Development Approval, as modified by Development Order conditions, is a condition for approval.

For the purpose of this condition, the Application for Development Approval shall include the following items:

- A. Application for Development Approval dated March 9, 1989; and
- B. Supplemental information dated June 6, 1989, and October 17, 1989, and a December 29, 1989, letter from Terry E. Lewis, representing the Palm Beach County Department of Airports, to Daniel M. Cary.

COMMENCEMENT OF DEVELOPMENT

2. In the event the developer fails to commence significant physical development within four years from the effective date of the Development Order, development approval shall terminate and the development shall be subject to further development-of-regional-impact review by the Treasure Coast Regional Planning Council pursuant to Section 380.06, Florida Statutes. For the purposes of this paragraph, physical development shall be deemed to have been initiated after placement of permanent evidence of a structure (other than a mobile home) on site, such as the pouring of slabs or footings, subgrade work for runways, taxiways or aprons; wetland creation; permanent roadways; or any permanent work beyond the stage of excavation or land clearing.

AIR

3. With the exception of clearing for access roads, survey lines, construction trailers, equipment staging areas, and fencing work, construction of buildings, runways, taxiways, and aprons, and clear zones, construction shall commence within 30 days after completion of clearing and grading for specific building sites, runways, taxiways, aprons and clear zones. Clear zones or areas around runways, taxiways, and aprons necessary to be cleared to comply with Federal Aviation Administration (FAA) safety regulations and the north parallel runway shall be immediately grassed 30 days after establishment of finished grade.
4. During land clearing and site preparation, wetting operations or other soil treatment techniques appropriate for controlling unconfined particulates, including grass seeding and mulching of disturbed areas, shall be undertaken and implemented by the developer to comply with Palm Beach County Public Health Unit and the Florida Department of Environmental Regulation air quality standards.
5. Following removal of exotics in the subsidiary development area, planting of a minimum of 50 acres in this area with native shrub and tree seedlings shall be instituted by the developer to ameliorate air quality impacts of the development and to provide a nursery for plant material to be utilized in landscaping the site. Planting shall occur prior to completing Phase I.

HISTORIC AND ARCHEOLOGICAL SITES

6. No clearing or other ground disturbance activities shall be undertaken in hammock areas identified on Exhibit HAS-1 of the Treasure Coast Regional Planning Council Assessment Report for the North Palm Beach County General Aviation Airport Development of Regional Impact.
7. In the event of discovery of any archeological artifacts during project construction, the developer shall stop construction in that area and immediately notify the Division of Historical Resources, Florida Department of State.

WETLANDS

8. Preserves A and B, encompassing approximately 788 and 137 acres respectively (as shown on exhibit HVW-2 of the Treasure Coast Regional Planning Council Assessment report for the North Palm Beach County General Aviation Airport Development of Regional Impact), shall be established in perpetuity. Perpetual preservation of Preserves A and B shall be guaranteed by an interlocal agreement or other instrument acceptable to the Treasure Coast Regional Planning Council and South Florida Water Management

District in consultation with the Florida Department of Environmental Regulation, Florida Game and Fresh Water Fish Commission, and U.S. Fish and Wildlife Service. The instrument assuring preservation is to be recorded within 120 days of when the berm(s) surrounding Preserves A and B have been constructed. No construction shall take place in the preserves other than that necessary to: 1) carry out the approved management plan; 2) build roadways as shown in Exhibit HVW-2; 3) construct necessary navigation aids required by the FAA; 4) conduct clear zone maintenance; and 5) implement the following design criteria which shall apply to Preserve A:

- A. Sufficient culverts shall be installed underneath the perimeter/safety road between the preserve area in Section 3 and the preserve area of Section 34 to re-establish historical wetland connections between those Sections.
- B. Sufficient culverts shall be installed underneath the safety/access road encircling the clear zone of runway 8R-26L to maintain existing hydrological connections between the preserved wetlands within Section 3.
- C. The berm which encloses the preserve area in Section 34 shall be repaired and maintained so that there is no outfall from the preserve except at 100-year flood stage.
- D. The entire preserve area shall be enclosed either by perimeter road or berm as shown in Exhibit HVW-2 to prevent outfall except at 100-year flood stage.
- E. No runoff from the developed portion of the site shall be pumped into Preserve A.

The above criteria shall be provided for in South Florida Water Management District applications for conceptual, construction, and operation permits and permits issued for the property as allowable under Chapter 373, Florida Statutes.

9. Any use of the preserves shall be consistent with: 1) preserving their values as a remnant of undeveloped Florida; and 2) implementation of the approved preserve management plan. No off-road vehicle use shall be allowed except for emergency access or in carrying out prescribed management efforts. No hunting, trapping, or collecting will be allowed except for scientific purposes.
10. Prior to destruction of more than 33 acres of wetlands identified on Exhibit HVW-2 of the Treasure Coast Regional Planning Council Assessment Report for the North Palm Beach County General Aviation Airport Development of Regional Impact, 29 acres of wetland functions and values must have been shown to be completely and fully replaced. Plans for replacement of wetland functions and values which may include enhancement of existing on-site wetlands, wetland creation, or other innovative techniques, shall be approved by Treasure Coast Regional Planning Council and South Florida Water Management District in consultation with U.S. Fish and Wildlife Service, Florida Game and Fresh Water Fish Commission, U.S. Army Corps of Engineers, and the Florida Department of Environmental Regulation. The determination of whether the functions and values of wetlands to be destroyed have been completely and fully replaced shall be made by the Treasure Coast Regional Planning Council, in consultation with the above noted agencies. Exceptions to allow elimination of more than 33 acres of wetlands prior to replacement may be granted to the extent that it is demonstrated to the satisfaction of the Treasure Coast Regional Planning Council that: 1) sufficient financial and

institutional ability is guaranteed to carry out the required replacement of wetland functions and values proposed to be eliminated; and 2) replacement will occur within a time period consistent with maintenance of current populations of species significantly dependent upon wetlands proposed to be eliminated.

Reasonable guarantee of financial and institutional ability to carry out replacement of wetland function and values proposed in this manner can be provided by a surety bond, cash bond, or letter of credit from a financial institution; escrow agreements which include money, land, and improvements; or any combination thereof, in an amount appropriate as determined by Treasure Coast Regional Planning Council to implement the approved wetland mitigation and monitoring plan. The cost of plan review to Treasure Coast Regional Planning Council shall be paid by the developer within 30 days of submission of evidence to the developer by Treasure Coast Regional Planning Council supporting the costs of review.

11. In addition to Preserves A and B, 32 acres of wetlands identified on Exhibit HVW-2 of the Treasure Coast Regional Planning Council Assessment Report for the North Palm Beach County General Aviation Airport Development of Regional Impact shall be preserved. The developer shall provide and maintain a buffer zone of native upland edge vegetation around all preserved, restored, or created wetlands on site and all deepwater habitats which are constructed on site in accordance with the following provisions and consistent with FAA clear zone safety regulations. The buffer zone may consist of preserved or planted vegetation, but shall include canopy, understory, and ground cover of native species only. The edge habitat shall begin at the upland limit of any wetland or deepwater habitat and shall include a total area of at least ten square feet per linear foot of wetland or deepwater habitat perimeter. This upland edge habitat shall be located such that no less than 50 percent of the total shoreline is buffered by a minimum width of ten feet of upland habitat. The upland buffer shall be clearly delineated and roped off prior to any land clearing within 100 feet of any wetland to be preserved or restored.

HABITAT PRESERVATION

12. Prior to issuance of a vegetation removal permit the limits of the preserve area shall be established to the satisfaction of the Zoning Division and Environmental Resources Management Department. Temporary barriers shall be installed at wetland or preserve boundaries by the developer prior to commencement of site clearing within 100 feet of such preserve boundaries. Such barriers shall be of a type that will clearly identify and designate the boundaries of the preserve or wetland areas during land clearing and construction. The perimeter of Preserves A and B shall be permanently fenced and posted with signs intended to discourage access. All permanent perimeter fencing of the preserves shall allow animals to access the preserves, but not airport development.
13. Prior to the issuance of a building permit for the facility, the developer shall prepare a habitat management plan for Preserves A and B. This plan shall be approved by the Palm Beach County Zoning Division and Environmental Resource Management. At a minimum, the plan shall:
 - A. Establish a schedule and method(s) for the removal of exotic vegetation.
 - B. Provide for a controlled burning program. At a minimum the controlled burning program shall include: 1) objectives; 2) pre-burn considerations, including smoke

management objectives; 3) the Northern Forest Fire Laboratory fuel model; 4) its prescription and range of suitable parameters; 5) a fire containment plan; 6) provisions that any burn will be conducted by or under the supervision of an experienced burn contractor or suitable public agency; and 7) a schedule or monitoring criteria that will determine the interval between burns. The burn program should simulate the historical fire pattern as closely as safety permits. Soil disturbance is to be minimized by utilizing natural fire breaks.

- C. Provide for the location and details of fencing and other means to discourage trespassing and allow animals ingress and egress.
- D. Address passive recreational or scientific uses consistent with preservation of the ecological integrity of the preserves and compatible with airport operations.
- E. Address continued wetland viability.

The cost of habitat management of the preserves shall be the responsibility of the developer. The cost of plan review to Treasure Coast Regional Planning Council shall be paid by the developer within 30 days of submission of evidence to the developer by the Treasure Coast Regional Planning Council supporting the costs of review.

- 14. The habitat management plan required for Preserves A and B must be approved by the Treasure Coast Regional Planning Council in consultation with Florida Game and Fresh Water Fish Commission and U.S. Fish and Wildlife Service before commencing construction of any runways, taxiways, aprons, fixed base operation structures, or other airport related facilities.

SPECIES OF SPECIAL REGIONAL CONCERN

- 15. Prior to commencement of clearing activities on any portion of the airport site, the developer must prepare and have approved a plan for surveying for, and protecting in situ, or relocating into a suitable on-site or off-site preserve area, all plants and animals of special regional concern that are determined to exist on or be "significantly dependent" upon (see Species of Special Regional Concern, Treasure Coast Regional Planning Council Assessment Report for North Palm Beach County General Aviation Airport) parcels to be developed. The plan shall be approved by Treasure Coast Regional Planning Council in consultation with the Florida Game and Fresh Water Fish Commission and the U.S. Fish and Wildlife Service. After approval of the plan, specific parcels may be cleared and developed subject to compliance with the methods and procedures stated in the plan. The cost of plan review to Treasure Coast Regional Planning Council shall be paid by the developer within 30 days of submission of evidence to the developer by Treasure Coast Regional Planning Council supporting the costs of review. The annual report required by Section 380.06, Florida Statutes, shall include a summary of survey and relocation efforts prepared by a qualified biologist.
- 16. In the event that it is determined that any additional representative of a plant or animal species of special regional concern (as defined in the Treasure Coast Regional Planning Council Assessment Report for North Palm Beach County General Aviation Airport) is resident on, or otherwise is "significantly dependent upon" (see species of Special Regional Concern, Treasure Coast Regional Planning Council's Assessment Report for North Palm Beach County General Aviation Airport) the airport property, the developer shall

cease all activities which might negatively affect that individual population and immediately notify Treasure Coast Regional Planning Council. Proper protection, to the satisfaction of Treasure Coast Regional Planning Council in consultation with the U.S. Fish and Wildlife Service and the Florida Game and Fresh Water Fish Commission, shall be provided by the developer.

EXOTIC SPECIES

17. Melaleuca, Brazilian pepper, Australian pine, and Downy myrtle which occur on the site shall be removed entirely concurrent with Phase I construction. Removal shall be in such a manner that avoids seed dispersal of any of these species. In areas of high concentration, the exotic species shall be cleared and burned as close to the area in which they were removed as possible to avoid seed scatter. In areas of low concentration, or single individuals, the exotic species shall be killed by herbicide and ultimately cut and removed after the total kill has been completed. There shall be no planting of these species on site. The project site shall be maintained to assure removal of volunteer exotic species as necessary.

DRAINAGE

18. The developer shall design and construct a stormwater management system to retain the maximum volume of water consistent with providing flood protection. At a minimum, the system shall be designed so that: 1) development of the airport will not result in the loss of storage in the C-18 Basin; 2) discharge from the site shall not negatively impact lands along the flow route to the Loxahatchee Slough; 3) the quality and quantity of water discharged from the site shall not adversely affect the Loxahatchee Slough, Loxahatchee River, Water Catchment Area, or the North County wellfield; 4) water in the sub-basins shall be staged or flows otherwise modified to maximize the retention capabilities of the site; and 5) post-development runoff volumes shall not exceed pre-development runoff volumes for a storm event of three-day duration and a 25-year return frequency. All discharges from the surface water management system shall meet the water quality standards of Florida Administrative Code Rule 17-3. Prior to commencing physical development, the drainage plan shall be reviewed by Environmental Resource Management and approved by the Treasure Coast Regional Planning Council and the South Florida Water Management District in consultation with the Loxahatchee River Management Coordinating Council and the North Palm Beach County Water Control District. A sufficient conceptual water management permit application showing the above information shall serve as the plan to be submitted. The cost of plan review to Treasure Coast Regional Planning Council shall be paid by the developer within 30 days of submission of evidence to the developer by Treasure Coast Regional Planning Council supporting the costs of review.
19. The developer shall design and construct the surface water management system so that maintenance of normal hydroperiods within improved and preserved wetlands can be guaranteed against the negative impacts of activities within the project boundaries, and so that the functions and values provided by these habitats will be maintained. Under no circumstances shall unfiltered runoff from large impervious surfaces and parking areas be diverted directly into wetlands on site. A plan or plans establishing wetland control elevations shall be submitted to Environmental Resource Management for their review and to South Florida Water Management District and the Treasure Coast Regional Planning Council for approval. The plan(s) shall demonstrate how sufficient quantities of surface runoff from

portions of the developed areas will be conveyed to wetland areas in order to maintain or improve their existing hydroperiod. The plan(s) shall be approved by Treasure Coast Regional Planning Council prior to submittal of construction permit applications to the South Florida Water Management District. A sufficient conceptual water management permit application showing the above information shall serve as the plan to be submitted. The cost of plan review to Treasure Coast Regional Planning Council shall be paid by the developer within 30 days of submission of evidence to the developer by Treasure Coast Regional Planning Council supporting the costs of review.

20. Maintenance and management efforts required to assure the continued viability of preserved wetland habitats and the proper operation of all components of the surface water management system shall be the financial and physical responsibility of the developer. Any entities subsequently approved by Palm Beach County to replace the developer shall be required, at a minimum, to assume the responsibilities outlined above.
21. By the end of Phase I, a vegetated littoral zone shall be established for the lake(s) constructed on site. Prior to construction of the surface water management system for any phase of the development, the developer shall prepare a design and management plan for the wetland/littoral zone that will be developed as part of that system. The plan shall be subject to review by Environmental Resource Management and approval by South Florida Water Management District and the Treasure Coast Regional Planning Council prior to beginning any excavation activity. Littoral zones shall be constructed concurrent with lake excavation and final grading. Operational permits for that portion of the surface water management system shall not be utilized until such time as littoral zones have been found to be constructed in conformance with approved plans. The cost of plan review to Treasure Coast Regional Planning Council shall be paid by the developer within 30 days of submission of evidence to the developer by Treasure Coast Regional Planning Council supporting the costs of review.

WATER SUPPLY AND WASTEWATER

22. At such time as municipal water service becomes available to the site, the development shall connect to such service.
23. At such time as municipal wastewater service becomes available to the site, the development shall connect to such service and the one septic tank system shall be abandoned in accordance with Chapter 10D-6, Florida Administrative Code and Palm Beach County ECR-I.
24. Xeriscape landscaping as defined by the South Florida Water Management District shall be exclusively used on the project. The field areas in between and around the runways shall not be irrigated. The areas may only be temporarily irrigated to establish newly planted, seeded, or sodded areas.
25. All development in North Palm Beach General Aviation Airport shall use water-saving plumbing fixtures and other water conserving devices as specified in the Water Conservation Act, Section 553.14, Florida Statutes, to reduce water use.

HAZARDOUS MATERIALS AND WASTE

26. Before construction plans are approved for any portion of the site, the developer shall provide a hazardous materials management plan which shall be reviewed and approved by the Palm Beach County Environmental Resource Management, Treasure Coast Regional Planning Council, South Florida

Water Management District, the Palm Beach County Public Health Unit, and Florida Department of Environmental Regulation. For the purposes of this plan, hazardous materials are those constituents found in reportable quantities on site identified pursuant to 42 USC, Section 6921 (RCRA); 42 USC, Section 9602 (CERCLA); 42 USC, Section 11011 et. seq. (SARA Title III); and Part IV, Chapter 403, Florida Statutes. At a minimum, the plan shall:

- A. require disclosure by all owners or tenants of the property of all hazardous materials or waste proposed to be stored, used, or generated on premises;
- B. require the inspection of all premises storing, using, or generating hazardous materials or waste prior to commencement of operation, and periodically thereafter, to assure that proper facilities and procedures are in place to properly manage hazardous materials projected to occur;
- C. provide minimum standards and procedures for storage, prevention of spills, containment of spills, and transfer and disposal of such materials or waste;
- D. provide for proper maintenance, operation, and monitoring of hazardous materials and waste management systems including spill and hazardous materials and waste containment systems;
- E. detail actions and procedures to be followed in case of spills or other accidents involving hazardous materials or waste;
- F. guarantee financial and physical responsibility for spill clean-up; and
- G. include a program for continued monitoring of surface and groundwater on the site.

The approved plan shall be incorporated into the development by including it as part of any lease or sale agreement provided to tenants and owners that will use, handle, store, display, or generate hazardous materials or waste. The cost of plan review to Treasure Coast Regional Planning Council shall be paid by the developer within 30 days of submission of evidence to the developer by Treasure Coast Regional Planning Council supporting the costs of review.

27. All site plans and layouts for the North Palm Beach County Airport shall be in accordance with the requirements of the Palm Beach County wellfield protection ordinance. All plan approvals shall note specifically what development will be allowed in areas within the zone of influence of any existing or proposed on-site well or municipal wellfield in the area.
28. The fuel farm shall be constructed to comply with Chapter 17-61, Florida Administrative Code. In addition, the following design criteria shall be met:
 - A. fuel shall be stored in above-ground, horizontal tanks on elevated cradles to allow for ease of inspection and maintenance;
 - B. the fuel spill containment area shall be constructed of reinforced concrete and shall be capable of containing 200 percent of the fuel storage capacity of the largest tank; and
 - C. the containment area shall have its drainage system segregated from the main airport system and shall include fuel/water separators and pump out system so

that stormwater can be discharged from the containment area relatively free from spilled fuel.

The above criteria shall be provided for in 11 permit applications and permits for construction and operation of the fuel farm provided the conditions are acceptable to the Florida Department of Environmental Regulation.

29. All drainage and stormwater runoff systems serving the runways, taxiways, aprons, airplane washdown areas, and other paved areas shall be designed and constructed in such a manner as to prevent soil, surface water, and groundwater contamination through the use of pollution retardant basins, oil/grease traps, and other means to segregate and collect pollutants.
30. Prior to commencing construction of the fuel farm, the developer shall install a system of surface and groundwater monitoring stations and maintain an ongoing water quality monitoring program. The locations of sampling stations and monitoring wells, as well as a sampling and testing schedule, shall be developed in conjunction with and reviewed by Environmental Resource Management and approved by the Treasure Coast Regional Planning Council, the South Florida Water Management District, and the Florida Department of Environmental Regulation and shall include monitoring at the point of surface water discharge from the site.
31. Disposal of hazardous materials or wastes into the septic or sanitary sewer system shall be prohibited. For the purposes of this paragraph, hazardous materials are those constituents identified pursuant to 42 USC, Section 6921 (RCRA); 42 USC, Section 9602 (CERCLA); 42 USC, Section 11011 *et. seq.* (SARA Title III); and Part IV, Chapter 403, Florida Statutes.

SOLID WASTE

32. As a part of any site plan application for any portion of the project, a commitment shall be obtained from the Solid Waste Authority of Palm Beach County to provide solid waste disposal service to that portion of the project.
33. As part of any site plan application for any portion of the project, the developer shall submit a solid waste stream reduction/recycling plan approvable by the Solid Waste Authority of Palm Beach County.

ENERGY

34. In the final site and building design plans, the developer and each subsidiary developer shall: 1) incorporate those energy conservation measures identified on pages 25-4 and 25-6 of the North Palm Beach County General Aviation Airport Application for Development Approval; 2) comply with the Florida Thermal Efficiency Code Part VII, Chapter 553, Florida Statutes; and 3) to the maximum extent feasible, incorporate measures identified in the Treasure Coast Regional Planning Council's Regional Energy Plan.
35. The developer shall incorporate each of the 16 energy saving methods outlined in the ENERGY section discussion of the Treasure Coast Regional Planning Council's Assessment Report for the North Palm Beach County General Aviation Airport unless it can be demonstrated to the satisfaction of Palm Beach County that individually each method is not cost effective.

TRANSPORTATION

36. No building permits for Phase I shall be issued for the

North Palm Beach County General Aviation Airport Development of Regional Impact until an irrevocable letter of commitment from the Palm Beach County Department of Airports has been provided committing to dedicate a 200-foot right-of-way along the proposed SR 7 to Palm Beach County free and clear of all liens and encumbrances and consistent with the Palm Beach County Thoroughfare Right-of-way Protection Plan.

37. No building permits for Phase I of the North Palm Beach County General Aviation Airport Development of Regional Impact shall be issued until contracts have been let for construction of the following intersection improvements at the proposed site entrance and Beeline Highway:

North approach -	right-turn lane
South approach -	left-turn lane
West approach -	left-turn lane
-	right-turn lane

No certificates of occupancy shall be issued and no fixed based aircraft shall be permitted to occupy the airport until the above improvements have been completed.

38. Palm Beach County Department of Airports shall monitor traffic conditions on an annual basis on the following roadway segments and at the following intersections starting with commencement of Phase II through completion of Phase III:

Road Segments

- A. Beeline Highway from the project site entrance to PGA Boulevard;
- B. PGA Boulevard from Beeline Highway to west of Florida's Turnpike (PGA entrance);
- C. PGA Boulevard from west of Florida's Turnpike (PGA entrance) to Florida's Turnpike; and
- D. Northlake Boulevard from Beeline Highway to Military Trail.

Intersections

- A. PGA Boulevard/Beeline Highway;
- B. PGA Boulevard/Florida's Turnpike;
- C. Northlake Boulevard/Beeline Highway; and
- D. Northlake Boulevard/Military Trail.

Prior to commencing Phase II construction, traffic monitoring methodology shall be approved by the Treasure Coast Regional Planning Council in consultation with the City of Palm Beach Gardens, and the Florida Department of Transportation. A monitoring report utilizing the approved methodology shall be submitted by December 31 of each year and shall be approved by the Treasure Coast Regional Planning Council in consultation with the above mentioned agencies. If this report indicates that the road segment(s) and/or intersection(s) has exceeded Council's objective level of service standard during the year, and that project traffic meets or exceeds the regional threshold, then no further building permits shall be issued until contracts have been let for roadway improvements required to eliminate over capacity conditions on the roadway segment(s) and/or intersections(s). No certificates of occupancy or increase in the number of fixed base aircraft shall be granted until the subject roadway improvements have been completed. The costs of monitoring methodology and monitoring report review

to Treasure Coast Regional Planning Council shall be paid by the developer within 30 days of submission of evidence to the developer by Treasure Coast Regional Planning Council supporting the costs of review.

39. The developer shall pay a fair share contribution consistent with a fair share impact fee ordinance applicable to the North Palm Beach County General Aviation Airport Development of Regional Impact.
40. No additional building permits or increases in fixed base aircraft shall be granted after December 31, 2005, unless a traffic study has been conducted by the developer, and submitted to and approved by Treasure Coast Regional Planning Council in consultation with Palm Beach County, City of Palm Beach Gardens, and Florida Department of Transportation that demonstrates that the regional roadway network can accommodate a specified amount of additional North Palm Beach County General Aviation Airport general traffic and growth in background traffic beyond 2005 and still be maintained at Level of Service C during average annual daily conditions and level of Service D during peak season, peak hour conditions. The traffic study shall:
 - A. be conducted in 2005; and
 - B. identify the improvements and timing of those improvements necessary to provide Level of Service C under average annual daily traffic conditions and level of Service D under peak season, peak hour operating conditions for the subject transportation network during the projected completion of the project, including project impacts and growth in background traffic.

Additional building permits or increases in fixed base aircraft shall not be granted until a new project phasing program and roadway improvement program (necessary to maintain Level of Service C average annual and Level of Service D peak season, peak hour operating conditions) has been approved by Treasure Coast Regional Planning Council in consultation with Palm Beach County, City of Palm Beach Gardens, and Florida Department of Transportation for the remainder of the development. The cost of plan review to Treasure Coast Regional Planning Council shall be paid by the developer within 30 days of submission of evidence to the developer by Treasure Coast Regional Planning Council supporting the costs of review.

41. Except for utilities necessary to serve the approved airport development, development occurring outside the airfield fence, and beyond what is described on the legend of the Master Development Plan (Map H-R) dated October 16, 1989, and in Table 12.1, Airport Facilities Summary, dated November 11, 1988, of the North Palm Beach County General Aviation Airport Application for Development Approval shall be reviewed as a substantial deviation under Section 380.06(19)(g), Florida Statutes.

LAND USE COMPATIBILITY

42. Restrictions contained in Exhibit LUC-2 of the Treasure Coast Regional Planning Council Assessment Report for the North Palm Beach County General Aviation Airport Development of Regional Impact, a copy of which is attached hereto as Exhibit "B", are hereby incorporated by reference as though fully set forth herein. Such restrictions shall be incorporated in requirements and lease agreements with any tenants and fixed based operators on the site. For clarification, Restriction #1 should be modified to indicate that the Crosswind Runway (13-31) has a 12,500 pound limitation. Any further changes to these restrictions shall

constitute a substantial deviation and shall be subject to further review under Section 380.06(19)(g), Florida Statutes.

43. The interlocal agreement between the City of Palm Beach Gardens and Palm Beach County contained in Appendix C of the Treasure Coast Regional Planning Council Assessment Report for the North Palm Beach County General Aviation Airport Development of Regional Impact, a copy of which is attached hereto as Exhibit "C", is hereby incorporated as part of this Development Order for the North Palm Beach County General Aviation Airport Development of Regional Impact. Any changes to this agreement shall constitute a substantial deviation and shall be subject to further review under Section 380.06(19)(g), Florida Statutes.
44. All lands inside the projected 65 Ldn contour area as shown on Exhibit LUC-1 of the Treasure Coast Regional Planning Council Assessment Report for the North Palm Beach County General Aviation Airport Development of Regional Impact shall continue to carry land use designations which are compatible with the use of the airport facility as proposed, and consistent with natural resource and other features of such property. Land use compatibility may be further enhanced within the projected 65 Ldn contour designated RR-10 by consideration of:
 - A. Use of TDR's;
 - B. Cluster housing techniques;
 - C. Required dedication of aviation easements;
 - D. Noise attenuating construction and design standards;
 - E. Comprehensive plan amendment; or
 - F. Other appropriate actions as the county may determine

within one year after adoption of this development order.

LOCAL CONDITIONS

POLICE AND PUBLIC SAFETY

45. No certificates of occupancy should be issued on any parcel of the North Palm Beach County General Aviation Airport until adequate assurance of security or police protection by the Palm Beach County Sheriff's Department or other applicable local service provider is confirmed guaranteeing that there is sufficient manpower and equipment to provide safe and adequate protection to the development in that parcel.
46. Prior to the approval of any site plans for North Palm Beach County General Aviation Airport, the developer should consult with the Palm Beach County Sheriff's Department or the applicable local service provider to ensure that all development plans enhance the ability of the Department to provide for public safety thorough consideration of lighting and building layout, and other features which will ensure the safety and security of the project.

FIRE PROTECTION

47. No certificates of occupancy should be issued on any parcel of the North Palm Beach County General Aviation Airport until adequate assurance of fire protection by the Palm Beach County Fire Department or other applicable local service provider is confirmed guaranteeing that there is

sufficient manpower and equipment to provide safe and adequate protection to the development in that parcel.

48. Prior to the approval of any site plans for the North Palm Beach County General Aviation Airport, the developer shall consult with the Palm Beach County Fire Department or the applicable local service provider to ensure that all development plans enhance the ability of the Department to provide for public safety through consideration of adequate access to all parts of the project site, consideration of lighting and building layout, consideration of fire hydrant location and spacing, and other features which will ensure the safety and security of the project.
49. The developer shall provide an optimally located site for a crash, fire, rescue (CFR) station, and shall suitably equip and man it as indicated on page R-30-1 of the Application for Development Approval, for the North Palm Beach County General Aviation Airport.
50. The application and engineering plans, calculations, etc. to construct well and/or septic tank must be submitted to the Health Department prior to site plan approval (or prior to issuance of Building Permit for straight rezoning).
51. This approval is limited to construction of the Administration Building for office use only. Any further use requires the project to be connected to public water and sewer or receipt of a septic tank variance from the Department of Health and Rehabilitative Services or a special exception from Palm Beach County for a package plant, if flow exceeds 5,000 g.p.d. Facilities not requiring sewer such as runways, tie down facilities and T-hangars may be constructed but not operated prior to issuance of any variance or special exception required.

SITE DEVELOPMENT

52. A 25 foot wide landscape buffer shall be maintained along Bee Line Highway. This buffer shall be landscaped to include:
 - a. A double row of native canopy trees planted 20 feet on center.
 - b. A 36" inch continuous native understory planting.
 - c. No additional landscape treatment will be required within preserve areas.
 - d. Landscape plans shall be subject to Department of Airports' review.
 - e. Existing vegetation may be credited toward this condition.
53. Individual building site plans shall be approved by Site Plan Review Committee prior to site development. These plans shall conform to County Codes in effect at the time of development and conditions of approval.
54. All buildings shall maintain a 60 foot setback from property lines.
55. As provided in the Palm Beach County Zoning Code, Sections 400.2 and 402.6, failure to comply with any of these conditions of approval at any time may result in:
 - a. The denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or

revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property; and/or

- b. the revocation of the Special Exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom; and/or
- c. A requirement of the development to conform with updated standards of development, applicable at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions.

Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of Special Exception, Rezoning, or other actions based on a Board of County Commission decision, shall be by petition for writ or certiorari to the Fifteenth Judicial Circuit.

City of Palm Beach Gardens Interlocal Agreement Conditions Approved and Adopted November 2, 1989

Operational Conditions

- 56. Constructed in accordance with the FAA Standards, the southern east-west runway will be limited to 4,300 feet in length with a maximum 12,500 pound limitation. The northern east-west runway will be limited to 3,700 feet in length. The crosswind runway will be limited to 4,300 feet in length.
- 57. In accordance with the FAA Airspace Determination, runway alignment for the east-west runways will be 08-26. Runway alignment for the crosswind runway will be 13-31.
- 58. The Palm Beach County Department of Airports, in their proprietary capacity of operating the North County Airport, will restrict flight training activities to non-populated areas by including in its leases with each resident fixed base operator who conducts flight training a requirement that flight training procedures will be designed to keep the flight training activities away from the populated portions of Palm Beach Gardens and other residential communities.
- 59. Aircraft allowed to use the airport will be those specifically identified in FAA Advisory Circular 36-3E that comply with the FAA computer model determinations using a 65 dba noise level upon designated monitoring sites in the residential area existing as of February 1988 in the City of Palm Beach Gardens and other residential communities, including P.G.A. National Resort Community, while using noise abatement flight tracks and noise abatement profiles developed, implemented, monitored and enforced by Palm Beach County.
- 60. Nighttime Operations - Nighttime operational procedures shall be in effect between 10:00 p.m. and 6:00 a.m. During those hours the northwest-southeast runway will be the preferred runway utilized, except when conditions do not allow a northwest-southeast operation. In such an event, westerly departures will be the preferred runway utilized unless windy conditions are prohibitive; and, in that event only easterly departures may be conducted by aircraft identified by Use Restriction No. 4 of the Interlocal Agreement between the City of Palm Beach Gardens and Palm

Beach County, as certified by the Clerk of the Board of County Commissioners on 2/9/90.

When Conditions Do Not Allow Northwest-Southeast Operations: Westerly departures will be required unless wind conditions are prohibitive. Easterly departures can then only be conducted by aircraft which will not exceed 65 dba maximum at the agreed upon noise monitoring site.

- 61. Remote noise monitoring stations will be installed by the County at the northwest corner and southwest corner of P.G.A. National Resort Community and at the western edge of Eastpoint. These stations will be installed, maintained and operated by Palm Beach County with adequate reporting of noise levels.
- 62. Aircraft noise emission levels of aircraft using the airport will not exceed 65 dba maximum within the present residential areas of the City of Palm Beach Gardens and other residential communities, as identified by Use Restriction No. 4 of the Interlocal Agreement between the City of Palm Beach Gardens and Palm Beach County.
- 63. Instrument Landing System (ILS), if installed, will pertain to landings from the west only.
- 64. Palm Beach County will prohibit all regularly scheduled commercial aircarrier passenger flights.
- 65. Fines for violation of maximum noise limit:
 - First Offense: Warning
 - Second Offense: \$100 for each second offense and \$100 for each decibel over that determined by Restriction No. 4 of the Interlocal Agreement between Palm Beach Gardens and Palm Beach County
 - Third Offense: Suspend Use of Airport Facilities
- 66. Palm Beach County and the community of Palm Beach Gardens will act to keep those areas between the P.G.A. National Resort Community and the proposed aviation facility in a land use category compatible with aircraft operations.
- 67. An airport manager will be employed to assist in enforcement of restrictions.

Commissioner Howard moved for approval of the Resolution.


The motion was seconded by Commissioner Marcus and, upon being put to a vote, the vote was as follows:


Carol J. Elmquist, Chair	--	AYE
Ron Howard	--	AYE
Karen T. Marcus	--	AYE
Carole Phillips	--	AYE
Carol Roberts	--	ABSENT

The Chair thereupon declared the resolution was duly passed and adopted this 22nd day of February, 1990.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

BY: 
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
 BY ITS BOARD OF COUNTY COMMISSIONERS
 JOHN B. DUNN, CLERK
 BY: 
 DEPUTY CLERK



DESCRIPTION

All that portion of the Northwest One-Quarter (NW 1/4) of Section 1, Township 42 South, Range 41 East, lying Southwesterly of the Southwesterly right-of-way line of the Seaboard Airline Railroad;

TOGETHER WITH all that portion of the Southwest One-Quarter (SW 1/4) of Section 1, Township 42 South, Range 41 East, lying Southwesterly of the Southwesterly right-of-way line of the Seaboard Airline Railroad;

TOGETHER WITH all that portion of the Southeast One-Quarter (SE 1/4) of Section 1, Township 42 South, Range 41, East, lying Southwesterly of the South westerly right-of-way line of the Seaboard Airline Railroad

TOGETHER WITH all that portion of Section 2, Township 42 South, Range 41 East, lying Southwesterly of the Southwesterly right-of-way line of the Seaboard Airline Railroad;

TOGETHER WITH all of Section 3, Township 42 South, Range 41 East;

TOGETHER WITH all that portion of the Northeast One-Quarter (NE 1/4) of Section 11, Township 42 South, Range 41 East, being more particularly described as follows:

COMMENCE at the Northeast corner of the said Northeast One-Quarter (NE 1/4);

THENCE on a grid bearing of N 89° 35' 37" W along the North line of the said Northeast One-Quarter (NE 1/4) a distance of 500.00 feet to the POINT OF BEGINNING;

THENCE S 45° 24' 23" W a distance of 1350.00 feet;

THENCE N 44° 35' 37" a distance of 1350.00 feet to a point on the North line of the said Northeast One Quarter (NE 1/4);

THENCE S 89° 35' 37" E along said North line a distance of 1909.19 feet to the POINT OF BEGINNING;

TOGETHER WITH all that portion of Section 34, Township 41 South, Range 41 East, lying Southwesterly of the Southwesterly right-of-way line of the Seaboard Airline Railroad;

TOGETHER WITH all that portion of the Southwest One-Quarter (SW 1/4) of Section 35, Township 41 South, Range 41 East, lying Southwesterly of the Southwesterly right-of-way line of the Seaboard Airline Railroad;

Said land situate within Palm Beach County, Florida, containing 1832.31 Acres, more or less.

EXHIBIT LUC-2: AIRPORT USE RESTRICTIONS

NORTH COUNTY GENERAL AVIATION FACILITY USE RESTRICTIONS

1. CONSTRUCTED IN ACCORDANCE WITH THE FAA STANDARDS, THE SOUTHERN EAST-WEST RUNWAY WILL BE LIMITED TO 4,300 FEET IN LENGTH WITH A MAXIMUM 12,300 POUND LIMITATION. THE NORTHERN EAST-WEST RUNWAY WILL BE LIMITED TO 3,700 FEET IN LENGTH. THE CROSSWIND RUNWAY WILL BE LIMITED TO 4,300 FEET IN LENGTH.
2. IN ACCORDANCE WITH THE FAA AIRSPACE DETERMINATION, RUNWAY ALIGNMENT FOR THE EAST-WEST RUNWAYS WILL BE 08-26. RUNWAY ALIGNMENT FOR THE CROSSWIND RUNWAY WILL BE 13-31.
3. THE PALM BEACH COUNTY DEPARTMENT OF AIRPORTS, IN THEIR PROPRIETARY CAPACITY OF OPERATING THE NORTH COUNTY AIRPORT, WILL RESTRICT FLIGHT TRAINING ACTIVITIES TO NON-POPULATED AREAS BY INCLUDING IN ITS LEASES WITH EACH RESIDENT FIXED, BASE OPERATOR WHO CONDUCTS FLIGHT TRAINING A REQUIREMENT THAT FLIGHT TRAINING PROCEDURES WILL BE DESIGNED TO KEEP THE FLIGHT TRAINING ACTIVITIES AWAY FROM THE POPULATED PORTIONS OF PALM BEACH GARDENS.
4. AIRCRAFT ALLOWED TO USE THE AIRPORT WILL BE THOSE SPECIFICALLY IDENTIFIED IN FAA ADVISORY CIRCULAR 34-3E THAT COMPLY WITH THE FAA COMPUTER MODEL DETERMINATIONS USING A 65 dba NOISE LEVEL UPON DESIGNATED MONITORING SITES IN THE RESIDENTIAL AREA EXISTING AS OF FEBRUARY 1988 IN THE CITY OF PALM BEACH GARDENS AND OTHER RESIDENTIAL COMMUNITIES, INCLUDING P.G.A. NATIONAL RESORT COMMUNITY, WHILE USING NOISE ABATEMENT FLIGHT TRACKS AND NOISE ABATEMENT PROFILES DEVELOPED, IMPLEMENTED, MONITORED AND ENFORCED BY PALM BEACH COUNTY.
5. NIGHTTIME OPERATIONS - NIGHTTIME OPERATIONAL PROCEDURES SHALL BE IN EFFECT BETWEEN 10:00 P.M. AND 6:00 A.M. DURING THOSE HOURS THE NORTHWEST-SOUTHEAST RUNWAY WILL BE THE PREFERRED RUNWAY UTILIZED, EXCEPT WHEN CONDITIONS DO NOT ALLOW A NORTHWEST-SOUTHEAST OPERATION. IN SUCH AN EVENT, WESTERLY DEPARTURES WILL BE THE PREFERRED RUNWAY UTILIZED UNLESS WHEN CONDITIONS ARE PROHIBITIVE; AND, IN THAT EVENT ONLY EASTERLY DEPARTURES MAY BE CONDUCTED BY AIRCRAFT IDENTIFIED IN RULE NO. 4 ABOVE.
6. REMOTE NOISE MONITORING STATIONS WILL BE INSTALLED BY THE COUNTY AT THE NORTHWEST CORNER AND SOUTHWEST CORNER OF P.G.A. NATIONAL RESORT COMMUNITY AND AT THE WESTERN EDGE OF EASTPOINT. THESE STATIONS WILL BE INSTALLED, MAINTAINED AND OPERATED BY PALM BEACH COUNTY WITH ADEQUATE REPORTING OF NOISE LEVELS.
7. AIRCRAFT NOISE EMISSION LEVEL OF AIRCRAFT USING THE AIRPORT WILL NOT EXCEED 65 dba MAXIMUM WITHIN THE PRESENT RESIDENTIAL AREAS OF THE CITY OF PALM BEACH GARDENS AS DETERMINED AND IDENTIFIED IN RULE NO. 4 ABOVE.
8. INSTRUMENT LANDING SYSTEM (ILS), IF INSTALLED, WILL PERTAIN TO LANDINGS FROM THE WEST ONLY.
9. PALM BEACH COUNTY WILL PROHIBIT ALL REGULARLY SCHEDULED COMMERCIAL AIR CARRIER PASSENGER FLIGHTS.
10. A FINE SYSTEM FOR AIRCRAFT USING THE AIRPORT IN VIOLATION OF THESE RULES OF PALM BEACH COUNTY DEPARTMENT OF AIRPORTS SHALL BE AS FOLLOWS:

FIRST OFFENSE:	WARNING
SECOND OFFENSE:	\$100 FOR EACH SUCH SECOND OFFENSE AND \$100.00 FOR EACH DECIBEL OVER THAT DETERMINED UNDER RULE NO. 4 ABOVE.
THIRD OFFENSE:	SUSPEND USE OF AIRPORT FACILITIES
11. PALM BEACH COUNTY AND THE COMMUNITY OF PALM BEACH GARDENS WILL ACT TO KEEP THOSE AREAS BETWEEN THE P.G.A. NATIONAL RESORT COMMUNITY AND THE PROPOSED AVIATION FACILITY IN A LAND USE CATEGORY COMPATIBLE WITH AIRCRAFT OPERATIONS.
12. AN AIRPORT MANAGER WILL BE EMPLOYED TO ASSIST IN ENFORCEMENT OF RESTRICTIONS.

CPB:jw:10/26:PN6 .aerial:Agre

This Interlocal Agreement made and entered into this ____ day of _____, 1988, by and between the City of Palm Beach Gardens, a political subdivision of the State of Florida (hereinafter referred to as the "City") and Palm Beach County, a political subdivision of the State of Florida (hereinafter referred to as "County").

V I T H E S E E T I M

WHEREAS, Palm Beach County has determined that it is in the best interest of the public health, safety and welfare that general aviation operations be substantially reduced at its Palm Beach International Airport; and

WHEREAS, Palm Beach County, after many years of thorough research, study and public comment, has determined that it is in the best interest of the public health, safety and welfare to construct and operate a new general aviation airport to be located at the site setforth on Exhibit "A" attached hereto and made a part hereof (hereinafter the "Property"); and

WHEREAS, Palm Beach County and the City of Palm Beach Gardens have worked together to make the aforementioned general aviation airport site as safe and compatible with the interests of the surrounding municipalities as is possible; and

WHEREAS, the County, with input from an advising citizens' group and the City, has developed certain restrictions and guidelines relative to the construction and operation of said Airport for the benefit and general welfare of the public, the City and residents living near the Property and now desire to embody such restrictions in a binding agreement between the parties hereto; and

WHEREAS, Palm Beach Gardens has agreed not to object to nor in any way oppose the County in the DRI and related governmental approval process relative to the development and construction of the aforesaid general aviation facility; provided that the aforesaid restrictions and agreement are entered into between the parties; and

WHEREAS, the City and County wish to document their understanding that the County will enforce the restrictions (as hereinafter defined) and that the City and County will otherwise comply with the terms and provisions of this Agreement; and,

EXHIBIT C

2711w/10/261PNC Interlocal Agree

WHEREAS, the City and County believe that it is in the public's best interest to enter into this Interlocal Agreement.

NOW THEREFORE, in consideration of the premises and the mutual covenants herein contained, and for such other good and valuable consideration, the recite of which the parties hereby expressly acknowledge, the parties hereto covenant and agree to the following terms and conditions.

1. Restractions. The County hereby represents and warrants to the City and covenants and agrees that County will implement and enforce the restrictions set forth on Exhibit "A" hereto, (hereinafter referred to as "Restrictions"), relative to the construction, operation, maintenance and use of the airport and all improvements which may be constructed on the property.

2. Modification. County hereby represents, warrants, covenants and agrees that it shall not in any way modify, amend, eliminate or otherwise reduce or fail to implement or enforce the restrictions without the prior written consent of the City. Any written consent shall be in the form of Resolution passed by the City Council. In the event the County proposes any changes to said Restrictions, or enforcement thereof, it shall promptly provide written notice of same to the City for City's review and comments, at least ninety (90) days prior to any action being taken by the County Board of County Commissioners. In this regard, any attempt by the County to unilaterally modify, amend, eliminate, or otherwise reduce, or fail to implement or enforce the Restrictions without the prior written concurrence of the City, shall be deemed a breach and violation of this Agreement by the County and shall entitle the City to any and all remedies available to it in law or in equity, including, without limitation, injunctive or other equitable relief to enforce this Agreement.

3. Further Agreements of County. The County agrees to require, at the appropriate time, its staff of the Department of Airports to create and implement rules and regulations which adopt the Restrictions for all persons having business on or relating to the Airport and will incorporate such rules and regulations and the Restrictions into the requirements and lease agreements with any tenant.

fixed base operators or other persons dealing with the County. County further covenants and agrees that the proposed general aviation airport shall be built in accordance with the airport layout plan attached hereto as Exhibit "C" and that no substantial changes thereto shall occur without the mutual consent of the parties hereto.

4. Agreements of City. CITY covenants and agrees that no residential development or other development inconsistent with the proposed airport facility shall be permitted inside the projected 65 Lda contour area as shown on the map in the Application for Development Approval dated 3/13/89 (hereinafter referred to as the "application"), which is attached hereto as Exhibit "D" and made a part hereof.

5. Further Agreements of City. City hereby represents and warrants to County and covenants and agrees that City shall not institute nor join in any litigation against County nor, in any way, object to, nor, in any way, attempt to prejudicially influence any governmental entities having jurisdiction over the permitting, licensing and operation of this general aviation airport provided that County is not in violation of the terms of this Agreement, and, provided further, however, that the operation of said airport by the County is conducted in a safe manner, and that the scope of said operation does not substantially change from the plans as contemplated and publically documented by the County on the effective date hereof including but not limited to the application. Failure of the City to abide by the covenants setforth in this paragraph 5 shall be deemed a breach of this Agreement and shall entitle County in its sole discretion either (1) to assert whatever remedies are available to it in law and/or equity, or (2) to treat this Agreement as null and void and thereafter to proceed as if this Agreement had never been executed. In this regard City acknowledges that County is expressly relying upon the covenants setforth in this paragraph 5 and in paragraph 4 above in its implementation of the restrictions setforth in the attached Exhibit "B".

6. Nothing in this Agreement shall preclude either party from litigating against the other on matters completely unrelated to and not contemplated by this Agreement.

7. This Agreement shall take effect upon execution.

SPS:lw:10/26:PB6 Interlocal Agmt

8. The invalidity of any portion, article, paragraph, provision, clause or any portion thereof of this Agreement shall have no effect upon the validity of any other part or portion hereof.

9. To the extent allowed by law, the venue for any action arising from this Agreement shall be in Palm Beach County, Florida.

10. This Agreement shall be governed by and in accordance with the laws of the State of Florida.

11. In any action brought by either party for the enforcement of the obligations of the other party, the prevailing party shall be entitled to recover reasonable attorney's fees.

12. Any notice given under the provisions of this Agreement shall be in writing and shall be delivered personally or sent by certified or registered mail, postage prepaid to:

COUNTY:
Palm Beach County
Board of County Commissioners
301 North Olive Avenue
West Palm Beach, Florida 33401

WITH A
COPY TO:
County Attorney
301 North Olive Avenue, Suite 601
West Palm Beach, Florida 33401

CITY:
City of Palm Beach Gardens
City Council
10300 North Military Trail
Palm Beach Gardens, Florida 33410

WITH A
COPY TO:
City Attorney
City of Palm Beach Gardens
10300 North Military Trail
Palm Beach Gardens, Florida 33410

or to such other respective addresses as the parties may designate each other in writing from time to time. Notice by certified or registered mail, return receipt requested, shall be deemed given on the date that such notice is deposited in a United States Post Office.

13. The parties expressly agree that time is of the essence of this Agreement and the failure by a party to complete performance within the time specified, or within a reasonable time if no time is specified, shall, at the option of the other party without liability, in addition to any other rights or remedies, relieve the other party of its obligation to accept such performance.

14. The headings of the various articles and sections of this Agreement are for convenience and ease of reference only, and shall not be construed to define, limit, augment or describe the scope, content or intent of this Agreement or any part or parts of this Agreement.

15. The parties hereto expressly covenant and agree that in the event either party is in default of its obligations herein, the party not in default shall provide to the party in default thirty (30) days written notice to cure said default before exercising any of its rights as provided for in this Agreement.

16. The parties agree that this Agreement sets forth the entire agreement between the parties, and there are no promises or understandings other than those stated herein. None of the provisions, terms and conditions contained in this Agreement may be added to, modified, superseded or otherwise altered except by written instrument executed by the parties hereto.

(Remainder of page left intentionally blank)

CPs:lw:10/13:PCG ...arlocal Agmt

IN WITNESS WHEREOF, the COUNTY has caused this Agreement to be signed by the Chair of the Board of County Commissioners and the seal of said Board to be affixed hereto and attested by the Clerk of said Board, pursuant to the authority granted by said Board, and the City has caused these presents to be signed by its Mayor, acting on behalf of said City Council of Palm Beach Gardens and the seal of said Council to be affixed hereto and attested by the Clerk of said Council, pursuant to the authority granted by said Council, the day and year first written above.

ATTEST:
LINDA V. KOSIER, CITY CLERK

By: Linda V. Kosier

CITY OF PALM BEACH GARDENS

BY: Michael Martin
MAYOR

DATED: 11-2-89

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY: William Pratt
City Attorney

ATTEST:
JOHN S. DUNKLE, Clerk

By: _____
Deputy Clerk

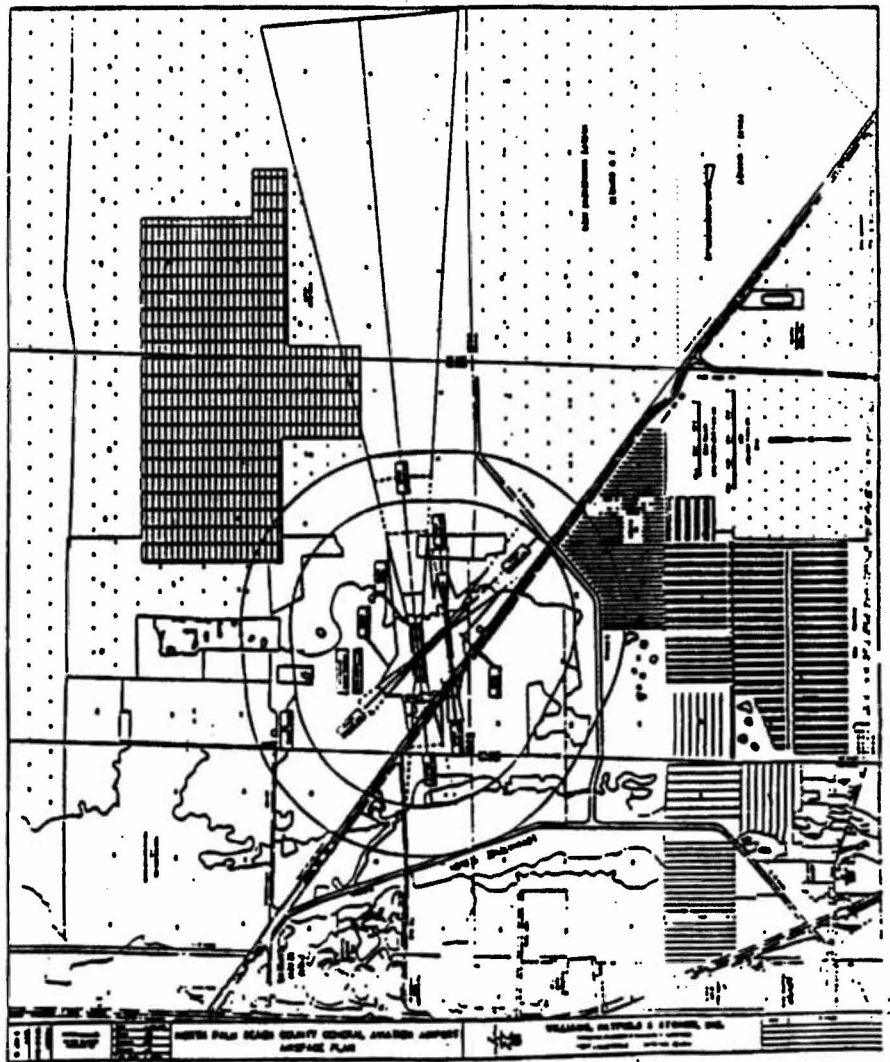
PALM BEACH COUNTY, FLORIDA BY ITS
BOARD OF COUNTY COMMISSIONERS

BY: _____
CHAIR

DATED: _____

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY: _____
County Attorney



2025 RELEASE UNDER E.O. 14176

Description

All that portion of the Northwest One-Quarter (NW 1/4) of Section 1, Township 42 South, Range 41 East, lying Southwesterly of the Southwesterly right-of-way line of the Seaboard Airline Railroad;

TOGETHER WITH all that portion of the Southwest One-Quarter (SW 1/4) of Section 1, Township 42 South, Range 41 East, lying Southwesterly of the Southwesterly right-of-way line of the Seaboard Airline Railroad;

TOGETHER WITH all that portion of the Southeast One-Quarter (SE 1/4) of Section 1, Township 42 South, Range 41, East, lying Southwesterly of the Southwesterly right-of-way line of the Seaboard Airline Railroad;

TOGETHER WITH all that portion of Section 2, Township 42 South, Range 41 East, lying Southwesterly of the Southwesterly right-of-way line of the Seaboard Airline Railroad;

TOGETHER WITH all of Section 3, Township 42 South, Range 41 East;

TOGETHER WITH all that portion of the Northeast One-Quarter (NE 1/4) of Section 11, Township 42 South, Range 41 East, being more particularly described as follows:

COMMENCE at the Northeast corner of the said Northeast One-Quarter (NE 1/4);

THENCE on a grid bearing of N 89°35'37" W along the North line of the said Northeast One-Quarter (NE 1/4) a distance of 500.00 feet to the POINT OF BEGINNING;

THENCE S 45°24'23" W a distance of 1350.00 feet;

THENCE N 44°35'37" a distance of 1350.00 feet to a point on the North line of the said Northeast One-Quarter (NE 1/4);

I-3

559c/0273P/062988

THENCE S 89°15'37" E along said North line a distance of
1909.19 feet to the POINT OF BEGINNING;

TOGETHER WITH all that portion of Section 14, Township 41
South, Range 41 East, lying Southwesterly of the
Southwesterly right-of-way line of the Seaboard Airline
Railroad;

TOGETHER WITH all that portion of the Southwest
One-Quarter (SW 1/4) of Section 15, Township 41 South,
Range 41 East, lying Southwesterly of the Southwesterly
right-of-way line of the Seaboard Airline Railroad;

Said land situate within Palm Beach County, Florida,
containing 1832.11 Acres, more or less.

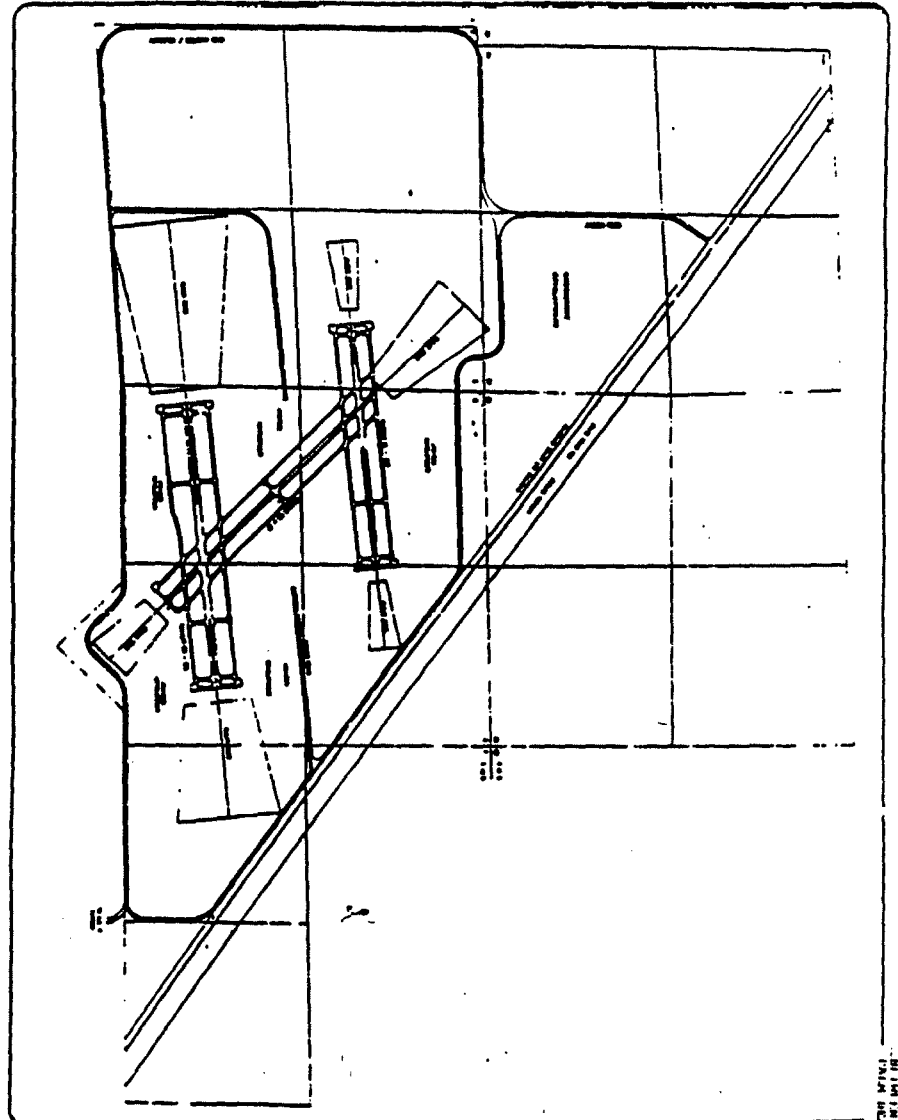
I-4

559c/02739/062988

NORTH COUNTY GENERAL AVIATION FACILITY USE RESTRICTIONS

1. CONSTRUCTED IN ACCORDANCE WITH THE FAA STANDARDS, THE SOUTHERN EAST-WEST RUNWAY WILL BE LIMITED TO 4,300 FEET IN LENGTH WITH A MAXIMUM 12,500 POUND LIMITATION. THE NORTHERN EAST-WEST RUNWAY WILL BE LIMITED TO 3,700 FEET IN LENGTH. THE CROSSING RUNWAY WILL BE LIMITED TO 4,300 FEET IN LENGTH.
2. IN ACCORDANCE WITH THE FAA AIRSPACE DETERMINATION, RUNWAY ALIGNMENT FOR THE EAST-WEST RUNWAYS WILL BE 08-26. RUNWAY ALIGNMENT FOR THE CROSSING RUNWAY WILL BE 13-31.
3. THE PALM BEACH COUNTY DEPARTMENT OF AIRPORTS, IN THEIR PROPRIETARY CAPACITY OF OPERATING THE NORTH COUNTY AIRPORT, WILL RESTRICT FLIGHT TRAINING ACTIVITIES TO NON-POPULATED AREAS BY INCLUDING IN ITS LEASES WITH EACH RESIDENT, FIXED BASE OPERATOR WHO CONDUCTS FLIGHT TRAINING A REQUIREMENT THAT FLIGHT TRAINING PROCEDURES WILL BE DESIGNED TO KEEP THE FLIGHT TRAINING ACTIVITIES AWAY FROM THE POPULATED PORTIONS OF PALM BEACH GARDENS.
4. AIRCRAFT ALLOWED TO USE THE AIRPORT WILL BE THOSE SPECIFICALLY IDENTIFIED IN FAA ADVISORY CIRCULAR 34-3E THAT COMPLY WITH THE FAA COMPUTER MODEL DETERMINATIONS USING A 65 dba NOISE LEVEL UPON DESIGNATED MONITORING SITES IN THE RESIDENTIAL AREA EXISTING AS OF FEBRUARY 1988 IN THE CITY OF PALM BEACH GARDENS AND OTHER RESIDENTIAL COMMUNITIES, INCLUDING P.G.A. NATIONAL RESORT COMMUNITY, WHILE USING NOISE ABATEMENT FLIGHT TRACKS AND NOISE ABATEMENT PROFILES DEVELOPED, IMPLEMENTED, MONITORED AND ENFORCED BY PALM BEACH COUNTY.
5. NIGHTTIME OPERATIONS - NIGHTTIME OPERATIONAL PROCEDURES SHALL BE IN EFFECT BETWEEN 10:00 P.M. AND 6:00 A.M. DURING THOSE HOURS THE NORTHWEST-SOUTHEAST RUNWAY WILL BE THE PREFERRED RUNWAY UTILIZED, EXCEPT WHEN CONDITIONS DO NOT ALLOW A NORTHWEST-SOUTHEAST OPERATION. IN SUCH AN EVENT, WESTERLY DEPARTURES WILL BE THE PREFERRED RUNWAY UTILIZED UNLESS WIND CONDITIONS ARE PROHIBITIVE; AND, IN THAT EVENT ONLY EASTERLY DEPARTURES MAY BE CONDUCTED BY AIRCRAFT IDENTIFIED IN RULE NO. 4 ABOVE.
6. REMOTE NOISE MONITORING STATIONS WILL BE INSTALLED BY THE COUNTY AT THE NORTHWEST CORNER AND SOUTHWEST CORNER OF P.G.A. NATIONAL RESORT COMMUNITY AND AT THE WESTERN EDGE OF EASTPOINT. THESE STATIONS WILL BE INSTALLED, MAINTAINED AND OPERATED BY PALM BEACH COUNTY WITH ADEQUATE REPORTING OF NOISE LEVELS.
7. AIRCRAFT NOISE EMISSION LEVEL OF AIRCRAFT USING THE AIRPORT WILL NOT EXCEED 65 dba MAXIMUM WITHIN THE PRESENT RESIDENTIAL AREAS OF THE CITY OF PAL BEACH GARDENS AS DETERMINED AND IDENTIFIED IN RULE NO. 4 ABOVE.
8. INSTRUMENT LANDING SYSTEM (ILS), IF INSTALLED, WILL PERTAIN TO LANDINGS FROM THE WEST ONLY.
9. PALM BEACH COUNTY WILL PROHIBIT ALL REGULARLY SCHEDULED COMMERCIAL AIR CARRIER PASSENGER FLIGHTS.
10. A FINE SYSTEM FOR AIRCRAFT USING THE AIRPORT IN VIOLATION OF THESE RULES OF PALM BEACH COUNTY DEPARTMENT OF AIRPORTS SHALL BE AS FOLLOWS:

FIRST OFFENSE:	WARNING
SECOND OFFENSE:	\$100 FOR EACH SUCH SECOND OFFENSE AND \$100.00 FOR EACH DECIBEL OVER THAT DETERMINED UNDER RULE NO. 4 ABOVE.
THIRD OFFENSE:	SUSPEND USE OF AIRPORT FACILITIES
11. PALM BEACH COUNTY AND THE COMMUNITY OF PALM BEACH GARDENS WILL ACT TO KEEP THOSE AREAS BETWEEN THE P.G.A. NATIONAL RESORT COMMUNITY AND THE PROPOSED AVIATION FACILITY IN A LAND USE CATEGORY COMPATIBLE WITH AIRCRAFT OPERATIONS.
12. AN AIRPORT MANAGER WILL BE EMPLOYED TO ASSIST IN ENFORCEMENT OF RESTRICTIONS.



101118 PALM BEACH COUNTY
PALM BEACH COUNTY

ANDREWS
Palm Beach County
General Aviation
Airport

**MASTER
DEVELOPMENT
PLAN**



SCALE 1" = 100'

1/8" = 100'

**MAP
H**