

RESOLUTION NO. R-94-355

RESOLUTION APPROVING ZONING PETITION DOAgO-06(A)  
DEVELOPMENT ORDER AMENDMENT  
PETITION OF PALM BEACH COUNTY DEPARTMENT OF AIRPORTS

WHEREAS., the Board of County Commissioners, as the governing body of Palm Beach County, Florida, 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 Article 5 of the Palm Beach County Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition DOAgO-06(A) was presented to the Board of County Commissioners at a public hearing conducted on March 24, 1994; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, this approval is subject to Article 5, section 5.8 (Compliance with Time Limitations), of the Palm Beach County Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners has determined that the proposed amendments do not constitute a substantial deviation pursuant to Chapter 380.06 F.S., as amended;

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach county Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Development Order Amendment, with conditions as adopted, complies with standards imposed on it by applicable provisions of the Palm Beach County Land ~~Dev~~elopment Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

8. This Development Order Amendment has a concurrency exemption and therefore complies with Art. 11 (Adequate Public Facility Standards) of the Palm Beach County Land Development Code.
9. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.
11. This Development Order Amendment is consistent with applicable neighborhood plans.

WHEREAS, Article 5 of the Palm Beach County Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition **DOA90-06(A)**, the petition of Palm Beach County Department of Airports, for a DEVELOPMENT ORDER AMENDMENT in the Public Ownership (PO) Zoning District, to amend Condition 5 of Resolution R-90-294 (requirement for nursery), previously approved on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located on a vicinity sketch as shown on EXHIBIT B, attached hereto and made a part hereof, was approved on March 24, 1994, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Newell moved for the approval of the Resolution.

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

Mary McCarty, Chair	--	Aye
Burt <b>Aaronson</b>	--	Aye
Ken Foster	--	Aye
Maude Ford Lee	--	Aye
Karen T. Marcus	--	Aye
Warren Newell	--	Aye
Carol A. Roberts	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted this 24th day of March, 1994.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK

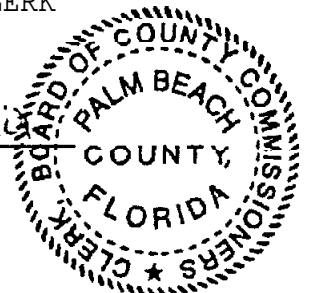


EXHIBIT A

LEGAL DESCRIPTION

DESCRIPTION

002 6370 388

All that portion of the Northwest One-Quarter (NH 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:

1. 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.



PALM BEACH COUNTY - STATE OF FLORIDA  
I hereby certify that the foregoing is a true copy of the record in my office  
This 2nd Day of March 19 90  
JOHN B. DUNKLE  
Clerk Circuit Court  
By David B. Smith D.C.

90-6

A

EXHIBIT A

DEC 15 1993

EXHIBIT B

VICINITY SKETCH

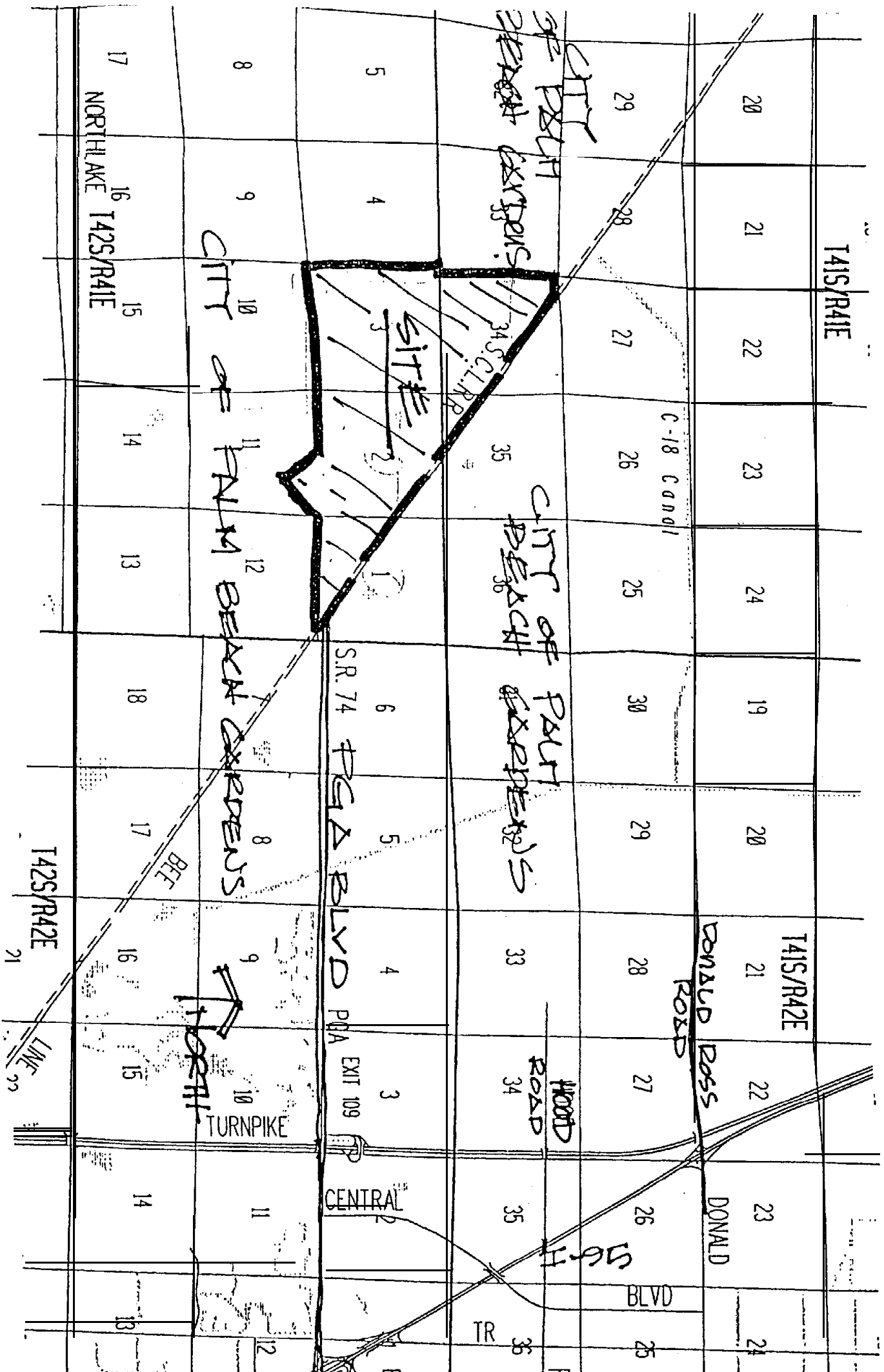


EXHIBIT C

CONDITIONS OF APPROVAL

GENERAL

1. All previous conditions of approval applicable to the subject **property**, as contained in Resolutions R-90-296, have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval, unless expressly modified. (MONITORING)

APPLICATION FOR DEVELOPMENT APPROVAL

2. 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**. (Previously Condition No. 1 of Resolution R-90-294 and R-90-296, **Petition 90-06**).
3. Prior to site plan certification by the Development Review Committee, the petitioner shall amend the site plan to indicate the location of the fifty (50) acre required planting in condition **#7**. (ERM/ZONING)

COMMENCEMENT OF DEVELOPMENT

4. 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. (Previously Condition No. 2 of Resolution R-90-294 and R-90-296, **Petition 90-06**).

AIR

5. 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. (Previously Condition No. 3 of Resolution R-90-294 and R-90-296, **Petition 90-06**).

6. 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. (Previously Condition No. 4 of Resolution R-90-294 and R-90-296, Petition 90-06).
7. Condition 5, Resolution R-90-294 & R-90-296, which currently states:

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.

Is hereby amended to state;

Following removal of exotics, planting of a minimum of 50 acres on the airport site 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. Planting will not take place within a preserve area unless such planting is conducted pursuant to the approved habitat management plan. (ERM).

#### HISTORIC AND ARCHEOLOGICAL SITES

- a. 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. (Previously Condition No. 6 of Resolution R-90-294 and R-90-296, Petition 90-06).
9. 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. (Previously Condition No. 7 of Resolution R-90-294 and R-90-296, Petition 90-06).

#### WETLANDS

10. Preserves A and B, encompassing approximately 788 and 137 acres respectively (as shown on exhibit EW-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 EVW-2; 3) construct necessary navigation aids required by the FAA; 4) conduct clear some 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. (Previously Condition No. 8 of Resolution R-90-294 and R-90-296, Petition 90-06).

- 11. 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. (Previously Condition No. 9 of Resolution R-90-294 and R-90-296, Petition 90-06).
- 12. 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. (Previously Condition **no.** 10 of Resolution R-90-294 and R-90-296, Petition 90-06).

13. 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. (Previously Condition No. 11 of Resolution R-90-294 and R-90-296, Petition 90-06).

#### HABITAT PRESERVATION

14. 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. (Previously Condition No. 12 of Resolution R-90-294 and R-90-296, Petition 90-06).
15. 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. (Previously Condition No. 13 of Resolution R-90-294 and R-90-296, Petition 90-06).

- 16. 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. (Previously Condition No. 14 of Resolution R-90-294 and R-90-296, Petition 90-06).

#### SPECIES OF SPECIAL REGIONAL CONCERN

- 17. 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. (Previously Condition No. **15** of Resolution R-90-294 and R-90-296, Petition 90-06).

- 1 8 .** 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 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 Uildlife Service and the Florida Game and Fresh Water Fish Commission, shall be provided by the developer. (Previously Condition No. 16 of Resolution **R-90-294** and R-90-296, Petition 90-06).

#### EXOTIC SPECIES

19. 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. (Previously Condition No. 17 of Resolution R-90-294 and R-90-296, Petition 90-06).

#### DRAINAGE

20. 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. (Previously Condition No. 18 of Resolution R-90-294 and R-90-296, Petition 90-06).

21. 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. (Previously Condition No. 19 of Resolution R-90-294 and R-90-296, Petition 90-06).
22. 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. (Previously Condition No. 20 of Resolution R-90-294 and R-90-296, Petition 90-06).
23. 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. (Previously Condition No. 21 of Resolution R-90-294 and R-90-296, Petition 90-06).

#### WATER SUPPLY AND WASTEWATER

24. At such time as municipal water service becomes available to the site, the development shall connect to such service. (Previously Condition No. 22 of Resolution R-90-294 and R-90-296, Petition 90-06).
25. 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. (Previously Condition No. 23 of Resolution R-90-294 and R-90-296, Petition 90-06).

- 2 6 . 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. (Previously Condition No. 24. of Resolution R-90-294 and R-90-296, Petition 90-06).
27. 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. (Previously Condition No. 25 of Resolution R-90-294 and R-90-296, Petition 90-06).

HAZARDOUS MATERIALS AND WASTE

28. 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. sec. (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. (Previously Condition No. 26 of Resolution R-90-294 and R-90-296, Petition 90-06).

29. 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. (Previously Condition No. 27 of Resolution R-90-294 and R-90-296, Petition 90-06).
30. 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. (Previously Condition No. 28 of Resolution R-90-294 and R-90-296, Petition 90-06).

31. 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. (Previously Condition No. 29 of Resolution R-90-294 and R-90-296, Petition 90-06).
32. 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 later Management District, and the Florida Department **of** Environmental Regulation and shall include monitoring at the point of surface water discharge from the site. (Previously Condition No. 30 of Resolution R-90-294 and R-90-296, Petition 90-06).
33. 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. sec. (SARA Title III); and Part IV, Chapter 403, Florida statutes. (Previously Condition No. 31 of Resolution R-90-294 and R-90-296, Petition 90-06).

#### SOLID WASTE

34. 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. (Previously Condition No. 32 of Resolution R-90-294 and R-90-296, Petition 90-06).

35. 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. (Previously Condition No. 33 of Resolution R-90-294 and R-90-296, Petition 90-06).

ENERGY

36. 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. (Previously Condition No. 34 of Resolution R-90-294 and R-90-296, Petition 90-06).
37. 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. (Previously Condition No. 35 of Resolution R-90-294 and R-90-296, Petition 90-06).

TRANSPORTATION

38. 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 ZOO-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. (Previously Condition No. 36 of Resolution R-90-294 and R-90-296, Petition 90-06).
39. 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:
- South 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. (Previously Condition No. 37 of Resolution R-90-294 and R-90-296, Petition 90-06). (Status: The Engineering Dept. indicates that this condition has been satisfied.)

40. 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 Trial.

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. (Previously Condition' No. 38 of Resolution R-90-294 and R-90-296, Petition 90-06).

- 41. 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. (Previously Condition No. 39 of Resolution R-90-294 and R-90-296, Petition 90-06).
- 42. 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. (Previously Condition No. 40 of Resolution R-90-294 and R-90-296, Petition 90-06).

43. 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. (Previously Condition No. 41 of Resolution R-90-294 and R-90-296, Petition 90-06).

#### LAND USE COMPATIBILITY

44. 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. (Previously Condition No. 42 of Resolution R-90-294 and R-90-296, Petition 90-06).
45. 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. (Previously Condition No. 43 of Resolution R-90-294 and R-90-296, Petition 90-06).
46. 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-18 by consideration of:
- A. Use of **TDR's**;
  - B. Cluster housing techniques;
  - C. Required dedication of avigation 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. (Previously Condition No. 44 of Resolution R-90-294 and R-90-296, Petition 90-06).



## LOCAL CONDITIONS

### POLICE AND PUBLIC SAFETY

47. 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. (Previously Condition No. 45 of Resolution R-90-294 and R-90-296, Petition 90-06).
48. 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 through consideration of lighting and building layout, and other features which will ensure the safety and security of the project. (Previously Condition No. 46 of Resolution R-90-294 and R-90-296, Petition 90-06).

### FIRE PROTECTION

49. 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. (Previously Condition No. 47 of Resolution R-90-294 and R-90-296, Petition 90-06).
50. 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. (Previously Condition No. 48 of Resolution R-90-294 and R-90-296, Petition 90-06).
51. 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. (Previously Condition No. 49 of Resolution R-90-294 and R-90-296, Petition 90-06).
52. 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). (Previously Condition No. 50 of Resolution R-90-294 and R-90-296, Petition 90-06).
53. 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. (Previously Condition No. 51 of Resolution R-90-294 and R-90-296, Petition 90-06).

SITE DEVELOPMENT

54. 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.

(Previously Condition No. 52 of Resolution R-90-294 and R-90-296, Petition 90-06).

55. 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. (Previously Condition No. 53 of Resolution R-90-294 and R-90-296, Petition 90-06).
56. All buildings shall maintain a 60 foot setback from property lines. (Previously Condition No. 54 of Resolution R-90-294 and R-90-296, Petition 90-06).
57. **As provided in the Palm Beach County ~~Zoning Code, Sections 400.2 and 402.6~~ Unified Land Development Code (ULDC), Section 5.8,** 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. (Previously Condition No. 55 of Resolution R-90-294 and R-90-296, Petition 90-06).

CITY OF PALM BEACH GARDENS  
INTERLOCAL AGREEMENT CONDITIONS  
APPROVED AND ADOPTED NOVEMBER 2, 1989

Operational Conditions

58. 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. (Previously Condition No. 56 of Resolution R-90-294 and R-90-296, Petition 90-06).
  59. 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. (Previously Condition No. 57 of Resolution R-90-294 and R-90-296, Petition 90-06).
  60. 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. (Previously Condition No. 58 of Resolution R-90-294 and R-90-296, Petition 90-06).
  61. Aircraft allowed to use the airport will be those specifically identified in FAA Advisory Circular 36-33 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. (Previously Condition No. 59 of Resolution R-90-294 and R-90-296, Petition 90-06).
  62. 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. (Previously Condition No. 60 of Resolution R-90-294 and R-90-296, Petition 90-06).
63. 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. (Previously Condition No. 61 of Resolution R-90-294 and R-90-296, Petition 90-06).
  64. 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. (Previously Condition No. 62 of Resolution R-90-294 and R-90-296, Petition 90-06).

65. Instrument Landing System (**ILS**), if installed, will pertain to landings from the west only. (Previously Condition No. 63 of Resolution R-90-294 and R-90-296, Petition 90-06).
66. Palm Beach County will prohibit all regularly scheduled commercial aircarrier passenger flights. (Previously Condition No. 64 of Resolution R-90-294 and R-90-296, Petition 90-06).
67. Fines for violation of maximum noise limit:
- |                 |  |
|-----------------|--|
| First Offense:  | Warning  |
| Second Offense: | <b>\$100</b> 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  |
- (Previously Condition No. 65 of Resolution R-90-294 and R-90-296, Petition 90-06).
68. 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. (Previously Condition No. 66 of Resolution R-90-294 and R-90-296, Petition **90-06**).
69. An airport manager will be employed to assist in enforcement **of** restrictions. (Previously Condition No. 67 of Resolution R-90-294 and R-90-296, Petition 90-06).