

**PALM BEACH COUNTY  
PLANNING, ZONING AND BUILDING DEPARTMENT  
ZONING DIVISION**



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**Application No.:** DOA-2012-00111  
**Control No.:** 1998-00050  
**Applicant:** Lion Country Safari Inc  
**Owners:** Lion Country Safari Inc  
**Agent:** Urban Design Kilday Studios - Kerry Kilday  
**Telephone No.:** (561) 689-5522  
**Project Manager:** Joyce Lawrence, Site Planner II

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**Location:** West of Seminole Pratt Whitney Road, north of Southern Boulevard on Lion Country Safari Road (Lion Country Safari MUPD)

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**TITLE:** a Development Order Amendment **REQUEST:** to reconfigure the Site Plan to transfer acreage from Pod A to Pod D; add square footage in Pod D; and to amend and delete Conditions of Approval (Use Limitations, Noise, and Signs)

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**APPLICATION SUMMARY:** Proposed is a Development Order Amendment for the Lion Country Safari Multiple Use Planned Development (MUPD). The 566.53-acre parcel was originally approved by the Board of County Commissioners (BCC) on July 6, 1976 as a Special Exception (SE) to allow a Recreation Facility for amusements and attractions including iron amusement rides, moto-cross tract and sanitary dump station for Recreational Vehicles. The applicant is requesting to transfer 11.35 acres of land from Pod A (existing Drive Through Park/Zoo) to the existing 52.8 acres in Pod D (existing Walk Through Village) for a total of 64.15 acres.

The proposed added land area will allow an additional 30,000 square feet (s.f.) including 20,000 of buildable area and 10,000 s.f. of awning area to the approved 83,027 s.f. (70,252 s.f. of buildable area and 12,775 s.f. of awning) for a total of 113,027 s.f. including 90,252 s.f. of buildable area and 22,775 s.f. of awning area in Pod D. The applicant is also proposing to modify 3 Conditions of Approval (Use Limitations) and delete 7 Conditions of Approval (Noise, Signs and Use Limitations).

The site currently supports 6 Pods with 56,168 s.f. of built area, 233,576 s.f. of unbuilt area and the proposed 30,000 s.f. within Pod D for a total of 319,744 s.f. Recreation Facility. A total of 1,199 parking spaces will be provided and 1 access point to the site will remain from Lion Country Safari Road (1).

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**ISSUES SUMMARY:**

o Project History

On July 6, 1976, the BCC approved via Resolution No. R-76-568, a Special Exception (SE) to allow a recreation facility, amusements, and attractions including iron amusement rides, motor-cross track and sanitary dump for recreational vehicles.

On December 13, 1977, the BCC approved via Resolution No. R-77-1420, a SE to allow a recreational vehicle park.

The proposed request will affect only Pods A (existing Drive Through Park - Zoo) and D (existing Walk Through Village/Outdoor Entertainment) with all prior approvals on the remaining Pods B, C, F and G to remain unaffected by this request. Below is the breakdown of the existing, approved and proposed uses, square footage and acreages for the development:

<b>Pod/Use</b>	<b>Acreage (AC)</b>	<b>Existing Square Feet (S.F.)</b>	<b>Approved Un-built S.F.</b>	<b>Overall Total</b>
A – Existing Drive Through Park (Zoo)	257.0 ac.	-	-	245.65 ac (-11.35 ac)
B - Communication Tower (un-built) – 499’ high (includes Grass Parking for POD D - 7.4 ac).	28.8 ac.	-	-	28.8 ac
POD C – Existing Communication 180’ high Tower (717 sq. ft.)	5.7 ac.	717 s.f.	-	5.7 ac (717 s.f.)
POD D - Existing Walk Through Village/Outdoor Entertainment	52.8 ac.	55,451 s.f.	27,576 s.f.	64.15 ac (+11.35 ac) 113,027 s.f. (+30,000 s.f.)
POD F- Hotel 147 Room (un-built) and Type I Restaurant - 6,000 sq. ft./175 seats	51.6 ac.		206,000 s.f.	51.6 ac 206,000 s.f.
POD G - Future Development	170.6 ac.	0	0	170.6 ac
<b>Total</b>	<b>566.5 acres</b>	<b>56,168 s.f.</b>	<b>233,576 s.f.</b>	<b>566.5 ac 319,744 s.f.</b>

o Consistency with Comprehensive Plan

The Planning Division has reviewed and found the request to be consistent with the site's Commercial Recreation (CR) with an underlying Rural Residential 1 unit per 2.5 acres (RR-2.5) (CR/RR 2.5) Future Land Use (FLU) designation of the Comprehensive Plan. The subject site is in the Exurban Tier. See Staff Review and Analysis for additional information from the Planning Division.

o Compatibility with Surrounding Land Uses

NORTH:

FLU Designation: Rural Residential (RR-2.5)  
 Zoning District: Agricultural Residential District (AR)  
 Supporting: Single Family Residential (Royal Palm Beach Acreage - Subdivision)

SOUTH:

FLU Designation: Rural Residential (RR-5)  
 Zoning District: Agricultural Residential District (AR)  
 Supporting: Single Family Residential (Fox Trail - Subdivision)

EAST:

FLU Designation: Rural Residential (RR-2.5)  
 Zoning District: Agricultural Residential District (AR)  
 Supporting: Single Family Residential (Royal Palm Beach Acreage - Residential)

WEST:

FLU Designation: Rural Residential (RR-5)

Zoning District: Agricultural Residential District (AR)

Supporting: Single Family Residential (Deer Run- Residential)

The subject is encumbered by single family residences. Subject to the Conditions of Approval, staff does not anticipate any adverse impacts to the surrounding properties from this request.

o Use Limitation Conditions

There are a total of 11 Use Limitation Conditions of Resolution R-99-0963. The current request is to amend or delete prior Use Limitations Conditions of Approval, which includes Use Limitation Conditions 2, 6, 7, 8, 9, 10 and 11 (See Exhibit C).

Staff recommends that some of these conditions be deleted, one condition is to remain as is, and some of these conditions are modified based on the following analyses:

- **Staff recommends approval of the deletion of prior Use Limitation Conditions 2, 7, 8, 10 and 11**

Staff can support the request to delete Use Limitation Condition 2 because most of the Outdoor Entertainment uses such as water skiing; outdoor shooting ranges are prohibited by the Unified Land Development Code (ULDC) for properties with a Rural Residential Future Land Use designation. The remainder of the uses such as Outdoor Auctions, Type III Excavations; those Requested uses are subject to Conditional/Requested use approvals by the Board of County Commissioners' approval. However Go-cart Track or Jet Skiing could potentially be permitted in an Outdoor Entertainment Use; therefore, staff recommends to amend Use Limitation Condition 2 to address those uses.

Staff also can support the requests to delete Use Limitation Conditions 8, 10 and 11 since the prior conditions repeated State Statues.

- **Staff cannot support deletion of prior Use Limitation Condition 6**

The applicant is requesting the deletion of this condition which restricts concerts, live performances, special events and attractions, etc. It is important to note that the ULDC classifies concerts, live performances, and related events under Special Events and are permitted 3 times a year with duration of 14 consecutive calendar days per event. Staff cannot support the deletion of Condition 6 based on these events may generate potential negative noise impact to the adjacent residential properties. Therefore, staff recommends this Condition to remain.

Staff cannot support the deletion of Condition 6, which restricts live or pre-recorded outdoor concerts, musical performances or special events and attractions, etc. Although the ULDC addresses Nuisance and Noise Ordinance, staff would like to maintain this Condition to address concerns and any potential negative noise impact to the adjacent residential properties.

- **Staff recommends modification of prior Conditions 7 and 9**

Staff can support the deletion of Use Limitations Conditions 7 and 9, which imposed restrictions on the previously approved expansion for Pod D. The current request is to add land area, add building square feet and proposed a new layout for Pod D. Therefore those prior conditions may not be applicable to the current layout for Pod D. However, staff recommends a new Use Limitation conditions be imposed on Pod D based on the new layout/facilities via Condition 12. The new Condition 12 consolidates some of the restrictions from prior conditions 7 and 9.

o May 3, 2012, Zoning Commission (ZC) Hearing

At the May 3, 2012, ZC Hearing, this project was on the regular agenda. Staff and the agent gave a presentation. Staff stated the concerns and any potential negative impact from the noise to the adjacent residential properties. Mr. K. Kilday, agent, informed the ZC that the applicant is not in agreement with 2 of the proposed Conditions of Approval (Use Limitations Conditions 6 and 12) which restricts noise and height. In the presentation, Mr. Kilday showed the affected area for the proposed expansion, the existing uses and he stated the reason for the proposal. He also explained

that the affected area, Pod D, is located towards the interior of the site, the site is heavily landscaped and is setback approximately 1,416 feet from the nearest property line.

There was a brief discussion on the noise, the height, existing vegetation and the location of the affected area. The ZC supported the applicant's request. There was no one from the public to speak in opposition of the project so the ZC voted unanimously, 9:0 to recommend approval as modified.

### TABULAR DATA

	EXISTING	PROPOSED
<b>Property Control Number(s)</b>	00-40-43-23-00-000-1020 00-40-43-23-00-000-5010	Same
<b>Land Use Designation:</b>	Commercial Recreation, with an underlying RR-2.5 (CR/RR-2.5)	Same
<b>Zoning District:</b>	Multiple Use Planned Development District (MUPD)	Same
<b>Tier:</b>	Exurban Tier	Same
<b>Use:</b>	Hotel, SRO, Rooming and Boarding Water or Treatment Plant Zoo Entertainment, Outdoor Communication Tower	Same
<b>Acreage:</b>	Overall - 566.5 acres  Pod A: 257.0 acres Pod D: 52.8 acres	Same  Pod A: 245.65 acres (-11.35) Pod D: 64.15 acres (+11.35)
<b>Parking:</b>	1,199 spaces	Same
<b>Access:</b>	Lion Country Safari Road (1)	Same

**PUBLIC COMMENT SUMMARY:** At the time of publication, staff had received 7 phone calls and 5 written responses (1 in support and 4 in opposition) from the public regarding this project. The concerns are regarding the expansion in changing from a wildlife park to an amusement park, increase in traffic, noise, noise Condition was imposed for a reason, lack of signage at the future entrance at Okeechobee Extension and Cheetham Hill would cause people to wander around in confusion and property value.

**RECOMMENDATION:** Staff recommends approval of the request subject to 53 Conditions of Approval as indicated in Exhibit C.

**ACTION BY THE ZONING COMMISSION:** May 3, 2012: Motion to recommend approval as amended carried by a vote of 9:0.

**MOTION:** To adopt a resolution approving a Development Order Amendment to reconfigure the Site Plan to transfer acreage from Pod A to Pod D, add square footage in Pod D and to amend and delete Conditions of Approval (Use Limitations, Noise and Signs) subject to Conditions of Approval as indicated in Exhibit C.

# PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION AND LAND USE



Application Number:	<u>DOA-2012-111</u>
Control Number:	<u>1998-050</u>
Land Use Atlas Page:	<u>53</u>
Date:	<u>03/29/2012</u>



Figure 1 Land Use Map

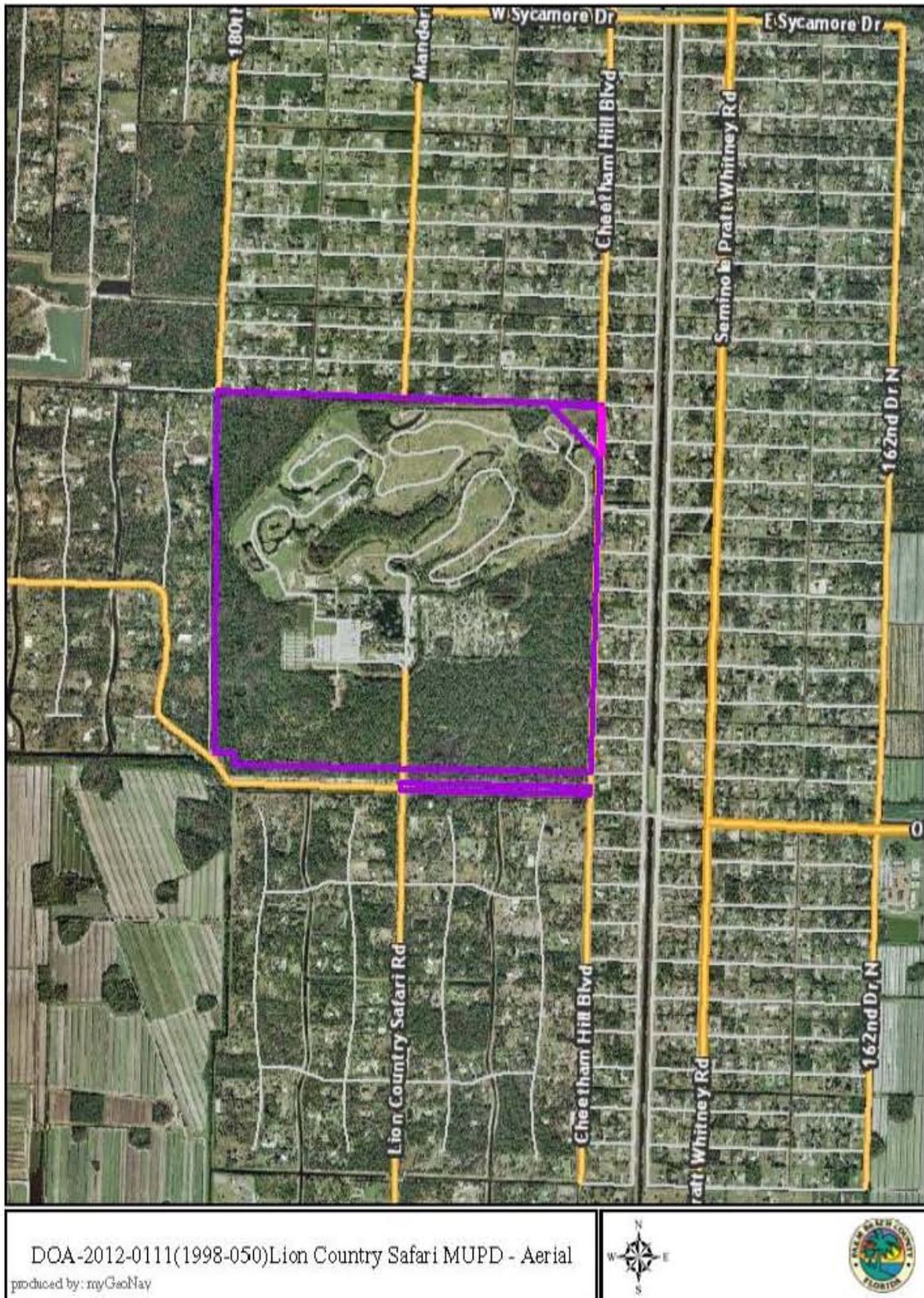


Figure 2 Zoning Quad / Vicinity Map

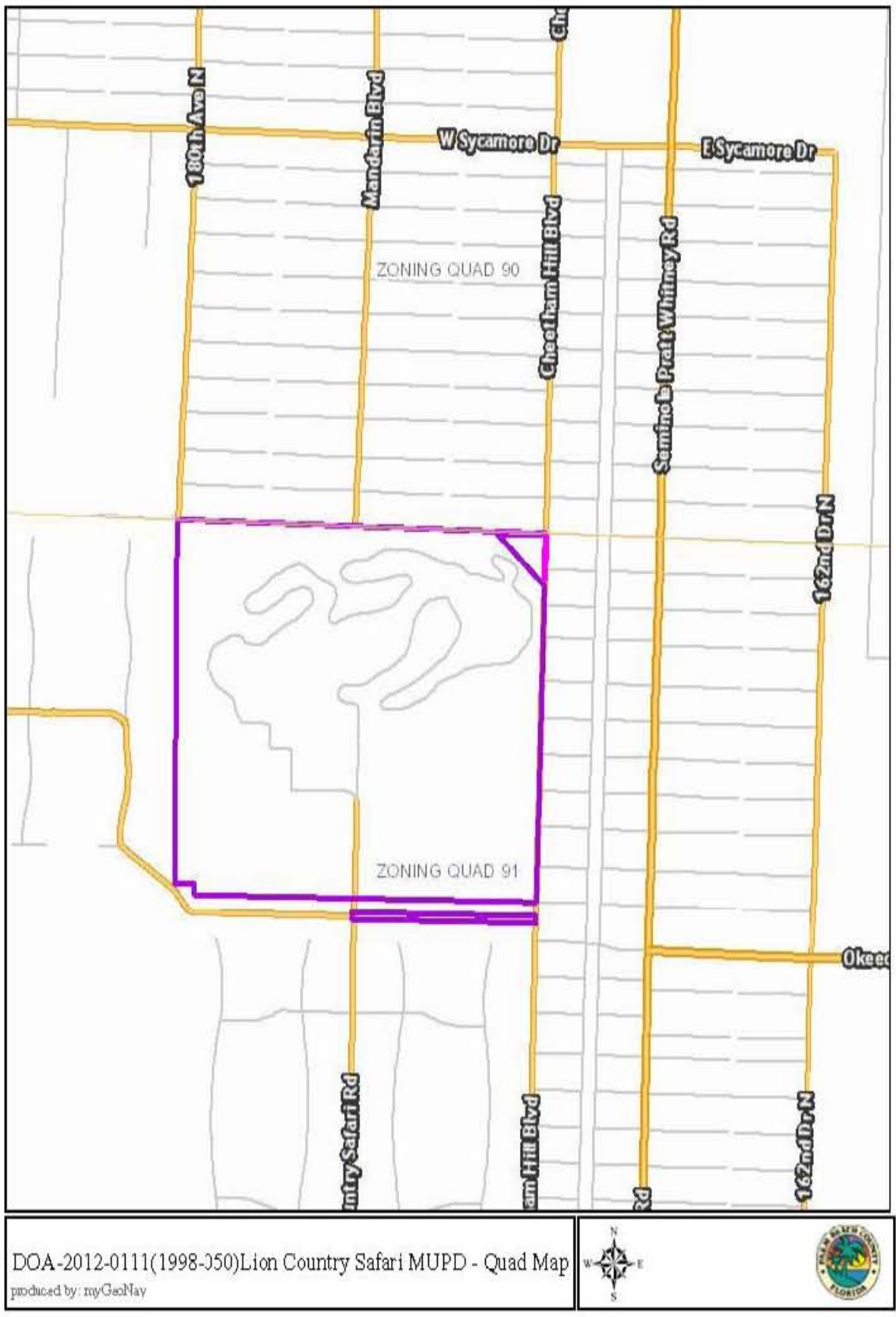


Figure 3 Aerial





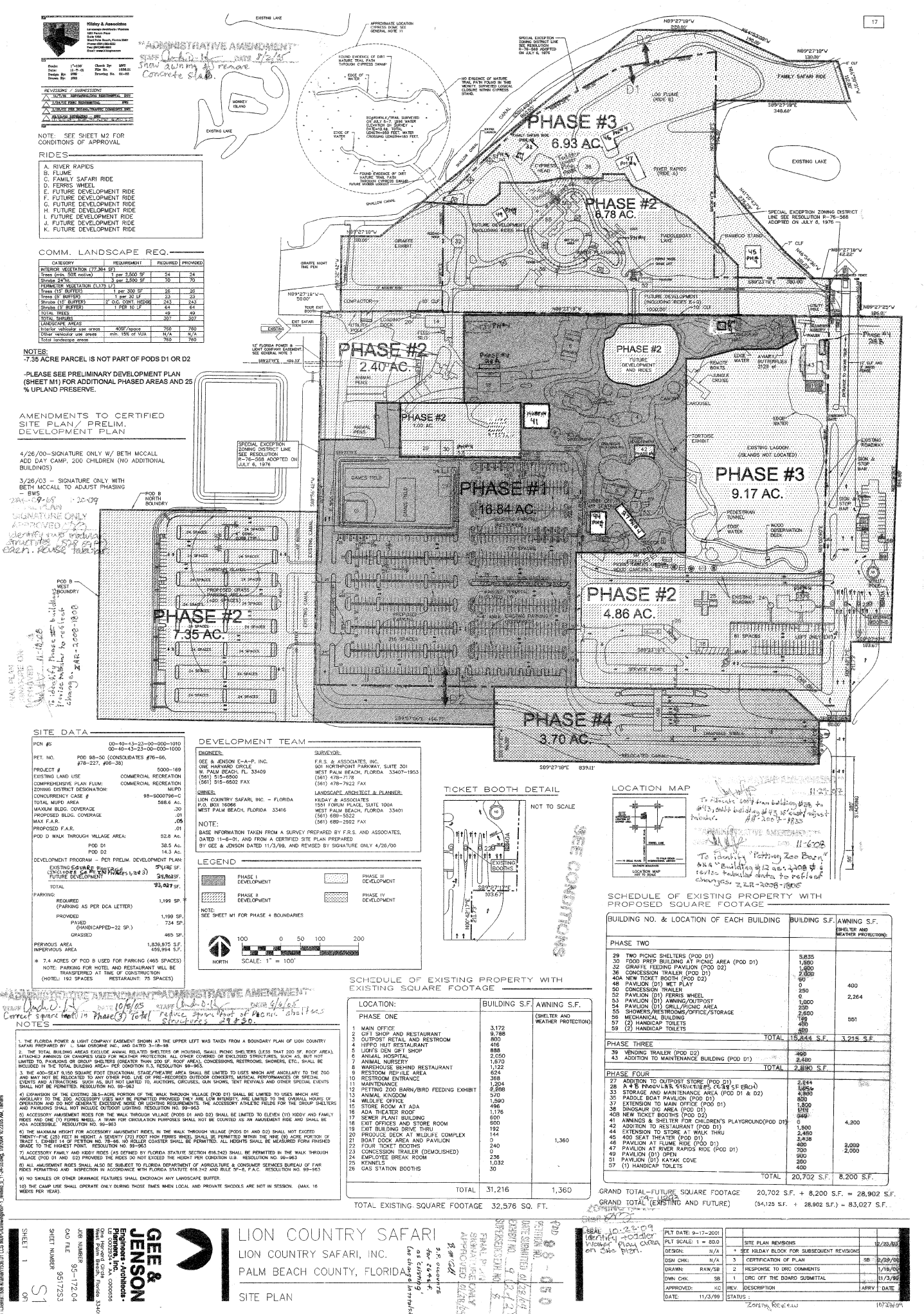


Figure 6 Approved Site Plan dated January 28, 2004





## STAFF REVIEW AND ANALYSIS

### PLANNING DIVISION COMMENTS:

FUTURE LAND USE (FLU) PLAN DESIGNATION: Commercial Recreation (CR) with an underlying Rural Residential 1 unit per 2.5 acres (RR-2.5) (CR/RR 2.5)

TIER: The subject site is in the Exurban Tier.

FUTURE ANNEXATION AREAS: The subject site is not within a future annexation area of any municipality.

INTERGOVERNMENTAL COORDINATION: The subject site is not within 1 mile of any municipality.

CONSISTENCY WITH FUTURE LAND USE (FLU) PLAN DESIGNATION: The Planning Division has reviewed the request to reallocate land area within the MUPD's overall Master plan between POD A and D and add 30,000 square feet in order to expand the current walk through park uses. The request is consistent with the land use designation and the Overlay.

The maximum Floor Area Ratio (FAR) of .05 allowed for a project with the CR/RR 2.5 FLUA designation in the Exurban Tier ( $566.50 \text{ ac} \times 43,560 \times .05 = 1,233,837$  square feet maximum). The request for an additional 30,000 square feet for a total of 319,744 square feet for the overall site equates an FAR of approximately 0.012 ( $319,744/24,676,740.00$  square feet or  $566.50 \text{ acres} = 0.012$ ).

The site was the subject of a Large Scale Land Use Amendment known as Lion Country Safari (LGA 2010-008; ORD 2010-028) and resulted in new Future Land Use Element (FLUE) Objective 1.11 Lion Country Safari Overlay, amendment of the FLUA from Commercial Recreation with an underlying Rural Residential 1 unit per 10 acres (CR/RR-10) to Commercial Recreation with an underlying Rural Residential 1 unit per 2.5 acres (CR/RR 2.5), amend the Managed Growth Tier Map to reflect the change in Tier from Rural to Exurban, and amend the Special Planning Area Map to depict the Lion Country Safari Overlay. The amendment does not contain conditions of approval.

FLUE Policy 1.11-b: Notwithstanding Table III.C of this Element, the Commercial Recreation future land use designation (with a maximum FAR of 0.05), with an underlying rural residential designation, including RR-2.5 shall be allowed within the Lion Country Safari Overlay.

SPECIAL OVERLAY DISTRICT/NEIGHBORHOOD PLAN/PLANNING STUDY AREA: The request is located within the Lion Country Safari Overlay (LCSO) that is identified within the FLUE and Map series of the Comprehensive Plan. The Overlay states, "The purpose of this Overlay is to acknowledge the importance of Lion Country Safari as a unique tourist attraction in Palm Beach County and recognize that the viability of the park is important for the County's tourism industry."

The Objective of the Overlay also states, "This Overlay encourages the preservation of the Lion Country Safari Park by accommodating the Commercial Recreation designation, while allowing for residential development at a density that is compatible with the surrounding area."

Since the request is to further the ongoing tourism operations of the walk through portion of this unique tourist attraction, the request is consistent with the intent of the Overlay. It should be noted that the subject request does not utilize the underlying residential RR 2.5 FLUA designation for residential development that is allowed through the LCSO.

FINDINGS: The request is consistent with the CR/RR 2.5 Future Land Use designation of the Palm Beach County Comprehensive Plan.

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### ENGINEERING COMMENTS:

#### REQUIRED ENGINEERING RELATED PERMITS

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The property owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department, Permit Section, prior to the application of a Building Permit.

The property owner shall obtain a Turnout Permit from the Palm Beach County Engineering Department, Permit Section, for modifications to access onto Lion Country Safari Road.

#### TRAFFIC IMPACTS

There are no improvements to the roadway system required for compliance with the Traffic Performance Standards because this project has an insignificant impact on the surrounding roadway network.

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#### **PALM BEACH COUNTY HEALTH DEPARTMENT:**

No Comments.

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#### **ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:**

VEGETATION PROTECTION: The Park has been developed. The modifications will not impact the dedicated preserve areas.

WELLFIELD PROTECTION ZONE: The property is not located with a Wellfield Protection Zone.

IRRIGATION CONSERVATION CONCERNS AND SURFACE WATER: All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Water and Irrigation Conservation Ordinance No. 93 3. Any non stormwater discharge or the maintenance or use of a connection that results in a non stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93 15.

ENVIRONMENTAL IMPACTS: There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

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#### **OTHER:**

FIRE PROTECTION: The Palm Beach County Department of Fire Rescue will provide fire protection.

SCHOOL IMPACTS: No Comments.

PARKS AND RECREATION: No Comments.

CONCURRENCY: Concurrency has been approved for 113,027 square feet in POD D, a portion of the subject site. The proposed development complies with ULDC Article 2.F., Concurrency (Adequate Public Facility Standards).

WATER/SEWER PROVIDER: Palm Beach County Water Utilities Department (PBCWUD).

FINDING: The proposed Zoning Map Amendment complies with Article 2.F of the ULDC, Concurrency (Adequate Public Facility Standards).

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#### **FINDINGS:**

##### Development Order Amendment:

When considering a development order application for a conditional or requested use, or a development order amendment, the BCC and ZC shall consider standards 1 –8 indicated below. A

conditional or requested use or development order amendment which fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved. Staff has reviewed the request for compliance with the standards that are expressly established by Article 2.B.-2.B and provides the following assessment:

1. **Consistency with the Plan** – *The proposed use or amendment is consistent with the purposes, goals, objectives and policies of the Plan, including standards for building and structural intensities and densities, and intensities of use.*

The proposed amendment is consistent with the purposes, goals, objectives and policies of the Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use.

2. **Consistency with the Code** - *The proposed use or amendment complies with all applicable standards and provisions of this Code for use, layout, function, and general development characteristics. The proposed use also complies with all applicable portions of Article 4.B, SUPPLEMENTARY USE STANDARDS.*

The proposal complies with the applicable standards and provisions of this Code for use, layout, function, and general development characteristics. The applicant is requesting an amendment to modify the site plan and add and delete land area to comply with the current Code. The proposed amendment for the subject site complies with the purpose and intent of the ULDC.

3. **Compatibility with Surrounding Uses** – *The proposed use or amendment is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.*

The site is the subject of a prior approval that was found to be compatible with the uses and character of land surrounding and in the vicinity of the land proposed for development. The site is encumbered on sides by residential uses on all sides. The proposed affected area is located toward the interior of the site and is considerably setback from the perimeter of the property lines. Any incompatibility issues beyond ULDC considerations have been addressed by Conditions of Approval and therefore should not result in any negative impact to the adjacent residential properties.

The request is consistent with the existing uses, character and zones of land surrounding and in the vicinity of the subject property and the appropriate zoning district for the subject property.

4. **Design Minimizes Adverse Impact** – *The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.*

The design of the proposed development minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands, by exceeding minimum setback requirements, and through compliance with ULDC regulations and the Conditions of Approval as contained herein.

5. **Design Minimizes Environmental Impact** – *The proposed use and design minimizes environmental impacts, including, but not limited to, water, air, storm water management, wildlife, vegetation, wetlands and the natural functioning of the environment.*

The land proposed for development has previously been cleared and supports no native vegetation. Staff has determined that the proposed layout of the site minimizes environmental impacts, including but not limited to water, air, storm water management, wildlife, vegetation, wetlands and the natural functioning of the environment. There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

6. **Development Patterns** – *The proposed use or amendment will result in a logical, orderly and timely development pattern.*

The adjacent properties to the north, south, east and west of the subject site are developed with existing residences. The proposed amendment will maintain consistency with the existing use and continue the development pattern established by the previously approved use for the Outdoor

Entertainment/Walk Through Village and will not expand beyond the existing MUPD Boundaries. The proposal will result in a logical, orderly and timely development pattern.

7. **Adequate Public Facilities** – *The extent to which the proposed use complies with Art. 2. F, Concurrency.*

Concurrency has been approved for 319,744 square feet Recreational Facility including the hotel (147 rooms). The proposed development complies with ULDC Article 2.F., Concurrency (Adequate Public Facility Standards).

8. **Changed Conditions or Circumstances** – *There are demonstrated changed conditions or circumstances that necessitate a modification.*

The proposed changes to transfer land area from Pod A to Pod B is oriented towards the interior of the subject site. The applicant states that there have been ongoing changes from time to time to provide new exhibits, rides, amenities, facilities, concessions to attract the public. Thus the proposal reduces the Drive Through portion of the Park and increases the Walk Through Village which has grown and changed to provide new items of interest to the customers and to promote tourism in Palm Beach County. Over the years, the Pod D walk through area has both grown and changed to provide new items of interest to the customers. The proposal will not expand beyond the existing approved boundaries of the subject site.

## CONDITIONS OF APPROVAL

### EXHIBIT C

#### Development Order Amendment

#### ALL PETITIONS

1. Condition A.1 of Resolution R-99-0963, Control No. 98-50 which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-76-568 (Petition 76-66), R-78-1413 (Petition 78-227), Resolution 96-996 (Petition 78-227(A)), and Resolution R-1623 (Petition 79-224), have been consolidated as indicated herein and remain in full force and effect. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)

Is hereby amended to read:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-76-568 (Petition No. 76-66), R-78-1413 (Petition No. 78-227), Resolution R-96-996 (Petition No. 78-227(A)), Resolution R-79-1623 (Petition No. 79-224) and Resolution R-99-0963, (Control No. 98-50) have been consolidated as contained herein. The property owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code (ULDC) and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. Condition A.2 of Resolution R-99-0963, Control No. 98-50 which currently states:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved preliminary development plan is dated March 17, 1999, the regulating plan is dated February 8, 1999, and the conceptual site plan for the hotel pod (Pod F) is dated August 27, 1998. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)

Is hereby amended to read:

The approved Preliminary Site Plan is dated March 15, 2012. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

#### ACCESS

1. Public access to the development shall be limited to the existing access from Lion Country Safari Boulevard and the future Okeechobee Boulevard. The existing access from Cheatham Hill Boulevard shall be limited for the use of the commercial communication tower, wastewater treatment plant and weekly hay deliveries. No access, public or nonpublic, shall be permitted from Allan Black Boulevard. (ONGOING: CODE ENF - Zoning) (Previous Condition B.1 of Resolution R-99-0963, Control No. 98-50)

2. New or proposed internal or external accessways, and parking areas shall not encroach in the required three hundred (300) foot buffers. The western buffer may be reduced to a minimum one hundred fifty (150) feet depth for a maximum one thousand (1,000) feet length encroachment in order to accommodate the proposed 40' vehicular access for the hotel located in Pod F along the western side of the existing drive through zoo drainage ditch. (ONGOING/DRO: CODE ENF Zoning) (Previous Condition B.2 of Resolution R-99-0963, Control No. 98-50)

3. The internal vehicle queuing and parking layout lanes proposed on the regulating plan dated November 12, 1998 shall be considered conceptual and an alternative queuing and parking layout approved by the Zoning Division and Engineering Department will be required prior to certification of the Preliminary Development Plan by the Development Review Committee. (ONGOING/DRO: ZONING Zoning) (Previous Condition A.3 of Resolution R-99-0963, Control No. 98-50). [Note: COMPLETED]

#### ARCHITECTURAL REVIEW-ARCHITECTURAL CONTROL

1. All proposed buildings within the hotel pod (Pod F) shall be designed and constructed to be consistent with the hotel facade elevations prepared by CRG architects as referenced in the regulating plan by David W. Lockmiller, Landscape Architect dated November 12, 1998. (ONGOING/BLDG PERMIT: BLDG - Zoning) (Previous Condition C.1 of Resolution R-99-0963, Control No. 98-50)

#### BUILDING AND SITE DESIGN

1. The proposed bungalows and main hotel structure located in the hotel pod (Pod F) shall not exceed forty-five (45) feet, measured from finished grade to the highest point, and two (2) residential floors. (ONGOING/BLDG PERMIT: BLDG - Zoning) (Previous Condition D.1 of Resolution R-99-0963, Control No. 98-50)

#### SITE PLAN

1. Previous Condition P.1 of Resolution R-99-0963, Control No. 98-50 which currently states:

Prior to August 1, 2000, the petitioner shall receive final site plan certification for Pods D1 (38.5 acre existing Walk Through Village), D2 (14.3 acre Walk Through Village expansion) of the MUPD and all related parking areas as shown on the preliminary development plan dated March 17, 1999. (DATE/DRO: MONITORING - Zoning)

Is hereby amended to read:

Prior to August 1, 2000, the petitioner shall receive final site plan certification for Pod D, existing Walk Through Village of the MUPD and all related parking areas as shown on the preliminary development plan dated March 17, 1999. (DATE/DRO: MONITORING - Zoning) [Note COMPLETED]

#### ENGINEERING

1. Previous Condition B.3 of Resolution R-1999-963, Control No. 1998-050, which currently states:

Drainage and retention areas may be permitted in the required three hundred (300) foot buffers provided the retention areas are setback a minimum one hundred and fifty (150) feet and not visible from any property line. The location and design of the retention areas shall be subject to the County Engineer's approval. (ENG)

Is hereby amended to read:

Drainage and retention areas may be permitted in the required three hundred (300) foot buffers provided the retention areas are setback a minimum one hundred and fifty (150) feet and not visible from any property line. The location and design of the retention areas shall be subject to the County Engineer's approval and shown on the final site plan approved by the DRO. (DRO: ENGINEERING - Eng)

2. Prior to September 1, 2000, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Okeechobee Boulevard, 200 feet subject to the final alignment map to be prepared by the County Engineer and approved by the Board of County Commissioners. If a final alignment is not adopted by September 1, 2000, the dedication shall be along the south property line. This additional right of way shall be free of all encumbrances and encroachments. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Corner Clips" where appropriate at intersections as determined by the County Engineer. (DATE: MONITORING-Eng) (Previous Condition E.2 of Resolution R-1999-963, Control No. 1998-050) [Note: COMPLETED]

3. Prior to September 1, 2000, the property owner shall convey a temporary roadway construction easement along Okeechobee Boulevard to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (DATE: MONITORING - Eng) (Previous Condition E.3 of Resolution R-1999-963, Control No. 1998-050) [Note: COMPLETED]

4. The site shall be designed with sufficient ticket booths and vehicle storage such that the queuing of vehicles entering the facility will be stored on site and will not back onto the public portions of Lion Country Safari Road. If during the operation of the facility, the queued vehicles entering the facility extend onto the public portion of Lion Country Safari Road, modifications or additions to the ticket booths or on site storage subject to the approval of the County Engineer shall be accomplished to alleviate this situation. These improvements shall be designed, permitted and constructed within 9 months of notification that improvements are required by Palm Beach County. (ONGOING: ENGINEERING - Eng) (Previous Condition E.4 of Resolution R-1999-963, Control No. 1998-050)

5. Prior to January 1, 2003, the property owner shall convey to Palm Beach County a minimum of two (2) road drainage easement(s) on Pod G, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Okeechobee Boulevard along the property frontage; and a maximum 800 feet of these adjacent roadway(s). The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. There shall be at least one easement west of Lion Country Safari Road and a minimum of one easement east of Lion Country Safari Road. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient retention/detention and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County and the applicable Drainage District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. (DATE: MONITORING-Eng)

a. The property owner shall provide for adequate retention/detention for the drainage of the section of Okeechobee Boulevard lying west of Lion Country Safari Road within the on-site storage areas.

b. If no additional storage areas are being constructed in Pod G, then the applicant may satisfy this condition of approval by conveying a drainage easement(s) at a location acceptable to the County Engineer within the subject site. Palm Beach County shall then be responsible for the excavation of this easement at the time of the Okeechobee Boulevard construction. Any drainage easements conveyed prior to the Construction of Okeechobee Boulevard maybe conveyed as temporary easements. These temporary easements may then replaced with permanent drainage easements subject to the revised easements being approved by the County Engineer. Any and all fill material from the excavation by Palm Beach County within said easements shall become the property of Palm Beach County. The intent of this paragraph is for Palm Beach County to not require the property owner to construct the retention/detention areas for the drainage of Okeechobee Boulevard unless the property owner is required to construct retention/detention areas in Pod G. (ONGOING: ENGINEERING - Eng) (Previous Condition E.5 of Resolution R-1999-963, Control No. 1998-050) [Note: COMPLETED]

## ENVIRONMENTAL

1. A 25% upland set-aside preserve shall be depicted on the Site Plan and approved by Environmental Resources Management prior to DRC Site Plan certification. (DRO: ERM-Erm) (Previous Condition No. F.1 of Resolution No. R-99-963, Control No. 1998-050) [Note: COMPLETED]

2. A Prohibited Exotic Removal Plan shall be submitted to and approved by ERM prior to DRC Master Plan certification. This plan shall address the proposed schedule and methods for the removal of prohibited exotic vegetation from the entire site (including existing development), native

landscape material intended to replace and supplement the areas where exotics were removed and proposed screening and phased removal of exotics intended to maintain a visual buffer between neighbors, animals and new developments. (DRO: ERM-Erm) (Previous Condition No. F.2 of Resolution No. R-99-963, Control No. 1998-050) [Note: COMPLETED]

## HEALTH

1. An engineering report, to be submitted prior to final site plan review, is required to demonstrate that the current water and wastewater treatment plant system has the design capacity to process the additional demand resulting from the proposed new uses for the property. (DRO: HEALTH Health) (Previous Condition G.1. of Resolution R-1999-963; Control No. 1998-050) [Note: COMPLETED]

2. Previous Condition G.2 of Resolution R-1999-863; Control No. 1998-050 which reads:

In the event the existing water and wastewater treatment plants and raw water sources for the water plant cannot process the increased demand, application and engineering plans to upgrade the existing water and wastewater plant systems must be submitted to the Palm Beach County Health Department prior to final site plan review. (DRO: HEALTH Health)

Is hereby Deleted: [Reason: No longer applicable]

## LANDSCAPE - GENERAL

1. Fifty percent (50%) of all canopy trees required to be planted on site by this approval shall meet the following minimum standards at installation:

- a. Tree height: Twelve (12) feet;
- b. Trunk diameter: 3.5 inches measured 4.5 feet above grade;
- c. Canopy diameter: Seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length; and,
- d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning) (Previous Condition H.1 of Resolution R-99-0963, Control No. 98-50) [Note: COMPLETED]

2. All palms required to be planted on site by this approval shall meet the following minimum standards at installation:

- a. Palm heights: Twelve (12) feet clear trunk;
- b. Clusters: Staggered heights twelve (12) to eighteen (18) feet; and,
- c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning) (Previous Condition H.2 of Resolution R-99-0963, Control No. 98-50) [Note: COMPLETED]

3. A group of three or more palm or pine trees may not supersede the requirement for a perimeter canopy tree in that location. (CO: LANDSCAPE - Zoning) (Previous Condition H.3 of Resolution R-99-0963, Control No. 98-50) [Note: COMPLETED]

## LANDSCAPE - INTERIOR

4. Perimeter landscaped medians shall be provided between all proposed parking areas and vehicular loop roadways. The minimum width of this median shall be ten (10) feet. One tree and appropriate ground cover shall be planted for each thirty (30) linear feet of the divider median, with a maximum tree spacing of sixty (60) feet on center. (ONGOING: LANDSCAPE Zoning) (Previous Condition I.1 of Resolution R-99-0963, Control No. 98-50) [Note: COMPLETED]

5. Landscaped divider medians with at grade bicycle and pedestrian cuts shall be provided in the center of all driveways over thirty (30) feet in width providing ingress or egress to the site. The minimum width of this median shall be six (6) feet. The minimum length of this median shall be twenty five (25) feet. A minimum width of five (5) feet of landscaped area shall be provided. One tree and appropriate ground cover shall be planted for each twenty (20) linear feet of the divider median. (ONGOING: LANDSCAPE Zoning) (Previous Condition I.2 of Resolution R-99-0963, Control No. 98-50) [Note: COMPLETED]

6. Buffers between incompatible land uses, pods, and adjacent to internal rights-of-way within the PUD shall be subject to review and approval by the Development Review Committee. (ONGOING: LANDSCAPE Zoning) (Previous Condition I.3 of Resolution R-99-0963, Control No. 98-50) [Note: COMPLETED]

**LANDSCAPE - PERIMETER-LANDSCAPING ALONG PERIMETER PROPERTY LINES (EXCLUDING EASTERN PROPERTY LINE OF RV PARK)**

7. Landscaping along the north and west property lines shall include the following:

- a. A minimum three hundred (300) foot wide landscape buffer strip;
- b. Undisturbed vegetation, excluding exotics and prohibited species;
- c. Gaps and openings within the buffer shall not exceed sixty (60) linear feet along any property line or frontage; and,
- d. Three (3) new or relocated canopy trees of varying heights and trunk and canopy diameters shall be installed within each gap. The trees may be clustered or planted in a naturalistic pattern. The western property line buffer may be reduced to accommodate the proposed 40' vehicular access for the Hotel located in Pod F. (See Access Condition 2). (CO: LANDSCAPE Zoning) (Previous Condition J.1 of Resolution R-99-0963, Control No. 98-50) [Note: COMPLETED]

**LANDSCAPE - PERIMETER**

8. Landscaping along the north and west property lines of the hotel (Pod F) shall include a minimum twelve (12) foot high black or green vinyl covered chain link fence with five (5) foot high wax myrtle planted five (5) feet on center along the exterior side of the fence and setback a minimum one hundred fifty (150) feet from the north and west property lines. (CO: LANDSCAPE Zoning) (Previous Condition J.2 of Resolution R-99-0963, Control No. 98-50) [Note: COMPLETED]

9. Existing animal exhibits or areas and structures which received a building permit prior to November 1, 1998 within the existing drive-through Zoo Pod (Pod A) may encroach into the 300' buffer, Landscape Condition 7 above. (BLDG PERMIT: LANDSCAPE Zoning) (Previous Condition J.3 of Resolution R-99-0963, Control No. 98-50) [Note: COMPLETED]

10. New animal exhibits or related structures within the existing drive-through zoo pod (Pod A) shall meet a minimum setback of one hundred (100) feet from the north and east property lines. (ONGOING/BLDG PERMIT: LANDSCAPE Zoning) (Previous Condition J.4 of Resolution R-99-0963, Control No. 98-50)

11. No additional landscaping shall be required for the existing drive-through Zoo Pod (Pod A) encroachments into the north, east, and west property line buffers. (ONGOING: LANDSCAPE Zoning) (Previous Condition J.5 of Resolution R-99-0963, Control No. 98-50) [Note: COMPLETED]

12. A combined thirty (30) foot wide path for an unpaved pedestrian and equestrian trail may be permitted in the required three hundred (300) foot buffers west of Lion Country Safari Boulevard. This path shall be setback a minimum one hundred and fifty (150) feet and shall preserve existing native vegetation so as not to be visible from any property line. The location and design of the path shall be subject to Development Review Committee approval. (ONGOING: LANDSCAPE -Zoning) (Previous Condition J.5 of Resolution R-99-0963, Control No. 98-50)

**LIGHTING**

1. Previous Condition K.1 of Resolution R-99-0963, Control No. 98-50 which currently states:

All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, minimum necessary to satisfy Security Code, shielded and directed down and away from adjacent properties and streets. (ONGOING: BLDG/CODE ENF - Zoning)

Is hereby deleted: [Reason: Code Requirements]

2. Previous Condition K.2 of Resolution R-99-0963, Control No. 98-50 which currently states:

All freestanding outdoor lighting shall be shall be shielded and not exceed thirty five (35) feet in height, measured from finished grade to highest point (CO: BLDG - Zoning)

Is hereby deleted: [Reason: Code Requirements]

3. Previous Condition K.3 of Resolution R-99-0963, Control No. 98-50 which currently states:

The lighting conditions above shall utilize pinpoint lighting design guidelines and not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF Zoning)

Is hereby deleted: [Reason: Code Requirement]

#### PALM TRAN

1. Condition L.1 of Resolution R-99-0963, Control No. 98-50 which currently states:

Prior to final certification of the preliminary development plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate one or more of the following: mass transit access, mass transit shelter(s) and/or a bus stop(s) on or adjacent to the subject property, if required by the Palm Beach County School Board and/or the County Engineer. (DRC: ZONING)

Is hereby amended to read:

The location of an easement for a Bus Stop Boarding and Alighting Area, subject to the approval of Palm Tran shall be shown on the Master Plan and/or site plan prior to final approval of the Development Review Officer (DRO). The purpose of this easement is for the future construction of mass transit infrastructure in a manner acceptable to Palm Tran. (DRO: PALM TRAN-Palm Tran)

2. Condition L. 2 of Resolution R-99-0963, Control No. 98-50 which currently states:

Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer prior to the issuance of the first certificate of occupancy (CO) or first certificate of completion (CC) for any improvements within Pods D1 or D2 (walk through zoo), whichever comes first. The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stops by dedicating additional right-of-way, if requested by the County Engineer. Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the property owner. (BLDG PERMIT: MONITORING - Eng)

Is hereby deleted. [Reason: No longer applicable]

3. All printed and electronic advertising for the project, when practical, shall contain information that mass transit service to the site is available. This condition shall apply to advertising for the entire project only, not to individual stores or tenants. (ONGOING: PALM TRAN - Palm Tran) (Previous Condition L. 3 of Resolution R-99-0963, Control No. 98-50)

4. Commercial locations which are open to the public shall not restrict public mass transit access. (ONGOING: PALM TRAN – Palm Tran) (Previous Condition L. 4 of Resolution R-99-0963, Control No. 98-50)

5. Prior to final approval by the Development Review Officer (DRO), the property owner shall amend the Master Site Plan to indicate mass transit circulation, bus access, and/or bus stops on or adjacent to the subject property. (DRO: PALM TRAN-Zoning)

#### NOISE

1. Previous Condition N.1 of Resolution R-99-0963, Control No. 98-50 which currently states:

The outdoor public announcement system and outdoor sound system for live or pre-recorded music, musical performances, etc. for the Multiple Use Planned Development (MUPD) shall be designed to incorporate distributed directional loud speakers. The maximum height of the speakers shall not exceed ten (10) feet, measured from finished grade to the highest point and shall be set at a level where the announcements are not audible from any residential property lines. (ONGOING: CODE ENF Zoning)

Is hereby deleted – [Reason: Code has been changed to be more accurate for measuring sound decibels]

#### PLANNED DEVELOPMENT-MUPD

1. Previous Condition M.1 of Resolution R-99-0963, Control No. 98-50 which currently states:

All uses shall remain in the location indicated on the preliminary development plan (PDP) approved by the Board of County Commissioners (PDP Exhibit dated March 17, 1999). (DRO: ZONING)

Is hereby amended to read:

All uses shall remain in the location indicated on the Preliminary Master Plan (PMP) approved by the Board of County Commissioners dated March 15, 2012). (ONGOING: ZONING Zoning)

2. Condition M.2 of Resolution R-99-0963, Control No. 98-50 which currently states:

Prior to certification of the preliminary development plan by the Development Review Committee, the property owner shall record in the public record a covenant requiring architectural consistency between all buildings, signage and project identification. Consistency shall include, at a minimum, an overall unified image and character created by the use of common elements such as building materials, roof lines, muted colors, fenestration, architectural features, and architectural elements. The covenant shall be recorded in a form and manner acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRO: ZONING - Co Att)

Is hereby amended to read:

Prior to certification of the Preliminary Master Plan by the Development Review Officer, the property owner shall record in the public record a covenant requiring architectural consistency between all buildings, signage and project identification. Consistency shall include, at a minimum, an overall unified image and character created by the use of common elements such as building materials, roof lines, muted colors, fenestration, architectural features, and architectural elements. The covenant shall be recorded in a form and manner acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRO: CO ATTY Zoning) [Note: COMPLETED]

3. Condition M.3 of Resolution R-99-0963, Control No. 98-50 which currently states:

Prior to certification of the preliminary development plan by the Development Review Committee, the property owner shall record a covenant in the public record indicating that all structures, uses and parking areas within the project are part of a single unified planned development, regardless of ownership. The covenant shall be recorded in the public record in a manner and form acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRO: ZONING - Co Att)

Is hereby amended to read:

Prior to certification of the Preliminary Master Plan by the Development Review Officer, the property owner shall record a covenant in the public record indicating that all structures, uses and parking areas within the project are part of a single unified planned development, regardless of ownership. The covenant shall be recorded in the public record in a manner and form acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRO: CO ATTY - Zoning) [Note: COMPLETED]

4. To ensure consistency with the PDP Exhibit dated March 17, 1999 presented to the Board of County Commissioners, any proposed use or future development of Pod G shall require by the Board of County Commissioners approval. (DRO: ZONING Zoning) (Previous Condition M.4 of Resolution R-99-0963, Control No. 98-50)

## SIGNS

1. No point of purchase or freestanding signs shall be permitted on the lease parcel or parent tract identifying the commercial communication tower or users. (ONGOING: BLDG zoning) (Previous Condition Q.1 of Resolution R-99-0963, Control No. 98-50)

2. The monument identification sign fronting on Doe Drive and the proposed Okeechobee Boulevard extension shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point - eight (8) feet;
- b. Maximum sign face area per side - 96 square feet;
- c. Maximum number of signs - One (1);
- d. Location - Within fifty (50) feet of the intersection of Lion Country Safari Boulevard and the proposed Okeechobee Boulevard ultimate right-of-way; and,
- e. Style - monument style only. (CO: BLDG Zoning) (Previous Condition Q.2 of Resolution R-99-0963, Control No. 98-50)

3. No off-premise signs or relocated billboards shall be permitted on the site. (ONGOING: CODE ENF Zoning) (Previous Condition Q.3 of Resolution R-99-0963, Control No. 98-50)

4. Previous Condition Q.4 of Resolution R-99-0963, Control No. 98-50 which currently states:

Improvements to the existing off-premise directional sign located along Southern Boulevard shall be permitted subject to Section 1 and 7.14 of the ULDC provided improvements do not increase any nonconformity. Complete replacement of the existing sign cabinet may not be allowed unless it is in accordance with ULDC requirements for off-premise directional signage. (BLDG PERMIT: BLDG/ZONING)

Is hereby deleted: [Reason: Pursuant to Article 8.H.2, Off Site Sign - Billboard; governed by the stipulated Settlement Agreement]

5. Previous Condition Q.5 of Resolution R-99-0963, Control No. 98-50 which currently states:

The internal directional signs shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point - eight (8) feet;
- b. Maximum sign face area per side - 24 square feet;
- c. Maximum number of signs - Four (4);
- d. Style - monument style only. (ONGOING: BLDG Zoning)

Is hereby deleted - [Reason: Pursuant to Article 8.F.3.D. On site Directional Sign, Large Development]

## TOWERS-POD C

1. Palm Beach County or the State of Florida shall have the right to co-locate communication equipment on the tower subject to an acceptable lease agreement provided that the placement of the equipment does not interfere with the petitioner's equipment or operations. (ONGOING: PREM) (Previous Condition O.1 of Resolution R-99-0963, Control No. 98-50)

2. Prior to site plan certification, the petitioner shall provide documentation that the tower does not encroach into any public or private airport runway protection zone as established by the Federal Aviation Administration. This documentation shall be approved by the Palm Beach County Department of Airports. (DRO: AIRPORTS) (Previous Condition O.2 of Resolution R-99-0963, Control No. 98-50) [Note: COMPLETED]

3. The communication tower shall be limited to a maximum height of 180 feet, measured from finished grade to highest point. (ONGOING:BLDG - Zoning) (Previous Condition O.3 of Resolution R-99-0963, Control No. 98-50) [Note: COMPLETED]

4. Location of the 180 foot commercial communication tower is limited to the approximate midpoint section on the south west property line of the utility parcel (Exhibit dated March 30, 1996). All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING Zoning) (Previous Condition O.4 of Resolution R-99-0963, Control No. 98-50)

5. Prior to site plan certification, the petitioner shall submit documentation to the Zoning Division which demonstrates that the proposed facility does not violate FAA Regulations and/or advisory circulars of the Palm Beach County Airport Zoning Regulations. This documentation shall be subject to approval by the Palm Beach County Department of Airports. (DRO: AIRPORTS Zoning) (Previous Condition O.5 of Resolution R-99-0963, Control No. 98-50) [Note: COMPLETED]

6. Prior to Site Plan Certification for the tower (Petition 78-227(A)) the petitioner shall provide an alternative landscape betterment plan relocating all required landscaping along the east boundary of the tower lease site. (DRO: LANDSCAPE - Zoning) (Previous Condition O.6 of Resolution R-99-0963, Control No. 98-50) [Note: COMPLETED]

**USE LIMITATIONS**

1. The sale of gasoline shall be limited to patrons using the Lion Country Safari attraction (including recreation vehicle park and amusement park) only. (ONGOING: ZONING - Code Enf) (Previous Condition R.1 of Resolution R-99-0963, Control No. 98-50)

2. Previous Condition R.2 of Resolution R-99-0963, Control No. 98-50 which currently states:

Approval from the Board of County Commissioners (BCC) shall be required for any uses which could potentially generate excessive noise and/or traffic such as, but not limited to:

- a. Jet or water skiing;
- b. Outdoor Shooting ranges;
- c. Cocktail lounge (excluding accessory to hotel use);
- d. Go-cart, moto-cross or other types of race tracks;
- e. Bingo parlors;
- f. Type III excavations or any off site transport of fill material;
- g. Auctions, outdoor;
- h. Flea market, open. (ONGOING: ZONING)

Is hereby amended to read:

Approval from the Board of County Commissioners (BCC) shall be required for the following uses, which could generate excessive noise:

- a. Jet or water skiing; and
- b. Go-cart, moto-cross or other types of race tracks. (ONGOING: ZONING Zoning)

3. Previous Condition R.3 of Resolution R-99-0963, Control No. 98-50 which currently states:

Use of the site shall be limited to the following:

Uses	Area (acres)	Total Building Area (s.f.)/Units
<b>MUPD</b>		
Pod A - Existing Drive-through Zoo	257.0	0

Pod B - 499' TV Tower (Unbuilt) and deleting 7.6 acre overlap by Pod E	28.8	Accessory tower equipment structures
Pod C - 180' Communication Tower (Built)	5.7	717 s.f.
Pod D1 and D2 - Walk-through Village	52.8	83,738
Land area of Pod E will be added to Pod G		
Pod F - Hotel (147 Rooms) and ancillary uses and 6,000 s.f. Restaurant (175 seats)	51.6	206,000 (Including 6,000sf restaurant)
Pod G - Future Development (Open Space Only)	192.7	0
<b>Total</b>	<b>588.6</b>	<b>290,455</b>
<b>RVPD (not part of MUPD)</b>		
RV Park (approved 611 units)	71.7	20,000
<b>Total</b>	<b>660.3</b>	<b>310,455</b>

a. The total building areas listed above excludes animal related shelters or housing, small picnic shelters (less than 200 sq. ft. roofed area), attached awnings or canopies used for weather protection and additional equipment rooms for the approved communication towers. All other covered or enclosed structures, such as, but not limited to, pavilions or group shelters ( greater than 200 sq. ft. roofed area), concessions, restrooms/showers, etc. shall be included in the total building areas. (DRC/BLDG PERMIT: ZONING)

Is hereby deleted - [Reason: Subject to the information on the uses, acres and square footage as shown on the Preliminary Site Plan dated March 15, 2012]

4. Hours of operation for hotel ancillary uses and the 6,000 square foot 175 seats restaurant within the Hotel Pod (Pod F) shall be limited to the following:

a. Outdoor - No live or pre-recorded outdoor bands, musical performances or special events shall be permitted within Pod F between the hours of 8:00 p.m. and 8:00 a.m. (ONGOING: CODE ENF Zoning) (Previous Condition R.4 of Resolution R-99-0963, Control No. 98-50)

5. Total floor area of the hotel ancillary uses shall not exceed fifteen (15) percent of the gross floor area of the hotel. Ancillary uses are limited to hotel guests only and may include, but not limited to, a restaurant, cocktail lounge, meeting rooms, or conference center, health spa and club or banquet rooms. (BLDG PERMIT: ZONING/BLDG - Zoning) (Previous Condition R.5 of Resolution R-99-0963, Control No. 98-50)

6. Previous Condition R.6 of Resolution R-99-0963, Control No. 98-50 which currently states:

The 400 seat 9,150 square foot educational stage/theatre area (Pod D2) shall be limited to uses which are ancillary to the zoo and may not be relocated to any other pod. Live or pre-recorded outdoor concerts, musical performances or special events and attractions such as, but not limited to, auctions, circuses, gun shows, tent revivals and other special events shall not be permitted. (ONGOING: CODE ENF)

Is hereby amended to read:

The 400 seat 9,150 square foot educational stage/theatre area (Pod D) shall be limited to uses which are ancillary to the zoo and may not be relocated to any other pod. Live or pre-recorded outdoor concerts, musical performances or special events and attractions such as, but not limited to, auctions, circuses, gun shows, tent revivals and other special events shall not be permitted. (ONGOING: CODE ENF Zoning)

7. Condition R. 7 of Resolution R-99-0963, Control No. 98-50 which currently states:

Expansion of the existing 38.5 acre portion of the walk through village (Pod D1) shall be limited to uses which are ancillary to the zoo. Accessory uses may be permitted provided they are low intensity, are limited to the overall hours of operation and do not generate excessive noise or lighting requirements. The accessory athletic fields for the group shelters and pavilions shall not include outdoor lighting. (DRC/BLDG PERMIT/ONGOING: CODE ENF Zoning)

Is hereby deleted - [Reason: Replaced by Use Limitation Condition 12]

8. Condition R. 8 of Resolution R-99-0963, Control No. 98-50 which currently states:

Accessory amusement rides for the Walk Through Village (Pods D1 and D2) shall be limited to eleven (11) kiddie and family rides and one (1) ferris wheel. A train for circulation purposes shall not be counted as an amusement ride. (DRO/BLDG PERMIT: BLDG - Zoning)

Is hereby deleted - [Reason: Replaced by Use Limitation Condition 12]

9. Condition R. 9 of Resolution R-99-0963, Control No. 98-50 which currently states:

The maximum height for accessory amusement rides, in the Walk Through Village (Pods D1 and D2) shall not exceed twenty-five (25) feet in height. A seventy (70) foot high ferris wheel shall be permitted within the nine (9) acre portion of Tract 1, Exhibit 14 of Petition No. 78-66. No roller coaster shall be permitted. All heights shall be measured from finished grade to the highest point. (DRC/BLDG PERMIT: BLDG/ZONING)

Is hereby deleted - [Reason: Replaced by Use Limitation Condition 12]

10. Condition R.10 of Resolution R-99-0963, Control No. 98-50 which currently states:

Accessory family and kiddie rides (as defined by Florida Statute Section 616.242) shall be permitted in the Walk Through Village (Pod D1 and D2) provided the rides do not exceed the height per Condition U.9. (DRC/BLDG PERMIT: BLDG/ZONING Zoning)

Is hereby deleted - [Reason: Replaced by Use Limitation Condition 12]

11. Condition R.11 of Resolution R-99-0963, Control No. 98-50 which currently states:

All amusement rides shall also be subject to Florida Department of Agriculture & Consumer Services Bureau of Fair Rides permitting and inspection in accordance with Florida Statute 616.242 and Rule 5F-8, F.A.C. (BLDG PERMIT: BLDG - Zoning)

Is hereby deleted - [Reason: Replaced by Use Limitation Condition 12]

12. The amusement rides for the Walk Through Village (Pod D) shall be limited as follows with all heights measured from finished grade to the highest point:

- a. Maximum height for the accessory amusement rides – seventy (70) feet, measured from finished grade to the highest point;
- b. Maximum of one (1) Ferris Wheel;
- c. A roller coaster is prohibited; and
- d. All rides and amusement rides shall be subject to Florida Department of Agriculture and Consumer Services Bureau of Fair Rides permitting and inspection in accordance with Florida Statute 616.242 and Rule 5F-8, F.A.C. (BLDG PERMIT: BLDG/ZONING Zoning)

## COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the property owner/applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)

2. Failure to comply with any of the conditions of approval for the subject property at any time may result in:

- a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy (CO); the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
- b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the Unified Land Development Code (ULDC) 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; and/or
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval. (ONGOING: MONITORING - Zoning)

**DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY**

*[TO BE COMPLETED AND EXECUTED BY THE PROPERTY OWNER(S) FOR EACH APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT OR DEVELOPMENT ORDER]*

**TO:** PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE


STATE OF FLORIDA  
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Harold Kramer, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

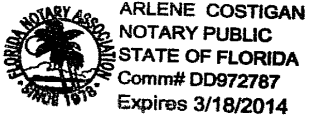
1. Affiant is the [ ] individual or [] Vice President \_\_\_\_\_ [position - e.g., president, partner, trustee] of Lion Country Safari, Inc.-Florida [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
  
2. Affiant's address is: 2003 Lion Country Safari Road, Loxahatchee, FL 33470  
\_\_\_\_\_  
\_\_\_\_\_
  
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
  
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.
  
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
  
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

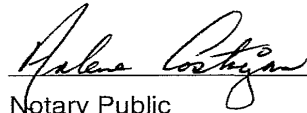
7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

  
\_\_\_\_\_  
Harold Kramer, Affiant  
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 12th day of January, 2012, by Harold Kramer, [  ] who is personally known to me or [  ] who has produced \_\_\_\_\_ as identification and who did take an oath.



  
\_\_\_\_\_  
Notary Public

Arlene Costigan  
\_\_\_\_\_  
(Print Notary Name)

NOTARY PUBLIC  
State of Florida at Large  
My Commission Expires: 03-18-2014

**EXHIBIT "A"**  
**PROPERTY**

BEING ALL OF SECTION 23, TOWNSHIP 43 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA. LESS, HOWEVER, THE SOUTH 460.00 FEET OF THE WEST 290.00 FEET THEREOF AND THE SOUTH 300.00 FEET THEREOF. LESS AND EXCEPTING THE FOLLOWING DESCRIBED PARCEL A PARCEL OF LAND IN SECTION 23, TOWNSHIP 43 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SECTION 23, AFORESAID; THENCE NORTHERLY ALONG THE EAST LINE OF SAID SECTION 23, A DISTANCE OF 1870.36 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTHERLY ALONG SAID EAST LINE OF SECTION 23, A DISTANCE OF 1775.02 FEET TO A POINT; THENCE SOUTHWESTERLY 2228.38 FEET ALONG A LINE MAKING AN ANGLE OF 65. 12' 21" THROUGH THE SOUTHWEST, WITH THE LAST DESCRIBED COURSE; THENCE WESTERLY 521.29 FEET ALONG A LINE MAKING AN ANGLE OF 155. 57' 00" THROUGH THE NORTHWEST, WITH THE LAST DESCRIBED COURSE; THENCE SOUTHERLY 866.75 FEET ALONG A LINE MAKING AN ANGLE OF 90. 23' 59" THROUGH THE SOUTHEAST, WITH THE LAST DESCRIBED COURSE; THENCE EASTERLY 2539.22 FEET ALONG A LINE MAKING AN ANGLE OF 89. 36' 01" THROUGH THE NORTHEAST, WITH THE LAST DESCRIBED COURSE TO THE POINT OF BEGINNING; LESS THE NORTH 150 FEET OF THE WEST 300 FEET THEREOF. CONTAINING 24678107.63 SQUARE FEET OR 566.53 ACRES MORE OR LESS.

**EXHIBIT "B"**

**DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY**

Affiant must identify all entities and individuals owning five percent or more ownership interest in the Property. Affiant must identify individual owners. For example, if Affiant is an officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

Name	Address
<u>Lion Country Safari, Inc.-Florida, a Florida Corporation</u>	
<b>2003 Lion Country Safari Road, Loxahatchee, FL 33470</b>	
Leon Unterhalter, 2003 Lion Country Safari Road, Loxahatchee, FL 33470	
Marc Unterhalter, 2003 Lion Country Safari Road, Loxahatchee, FL 33470	
Harold Kramer, 2003 Lion Country Safari Road, Loxahatchee, FL 33470	