

RESOLUTION NO. R-2012- 0784

RESOLUTION APPROVING ZONING APPLICATION DOA-2012-00111
(CONTROL NO. 1998-00050)
a Development Order Amendment
APPLICATION OF Lion Country Safari Inc
BY Urban Design Kilday Studios, AGENT
(Lion Country Safari MUPD)

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 applications relating to zoning; and

WHEREAS, the notice and public hearing requirements, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended), have been satisfied; and

WHEREAS, Zoning Application DOA-2012-00111 was presented to the Board of County Commissioners at a public hearing conducted on May 24, 2012; and

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

WHEREAS, the, Board of County Commissioners pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended) is authorized and empowered to consider, approve, approve with conditions or deny the request; and

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, THE BOARD OF COUNTY COMMISSIONERS hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.2.B for a a Development Order Amendment.

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) of the Palm Beach County Unified 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 Application DOA-2012-00111, the petition of Lion Country Safari Inc, by Urban Design Kilday Studios, agent, for 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) in the Multiple Use Planned Development (MUPD) Zoning District, on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on May 24, 2012, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Taylor moved for the approval of the Resolution.

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

Commissioner Shelley Vana, Chair	-	Aye
Commissioner Steven L. Abrams, Vice Chairman	-	Aye
Commissioner Karen T. Marcus	-	Aye
Commissioner Paulette Burdick	-	Aye
Commissioner Burt Aaronson	-	Aye
Commissioner Jess R. Santamaria	-	Aye
Commissioner Priscilla A. Taylor	-	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on May 24, 2012.

Filed with the Clerk of the Board of County Commissioners on June 8, 2012.

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON R. BOCK,
CLERK & COMPTROLLER

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

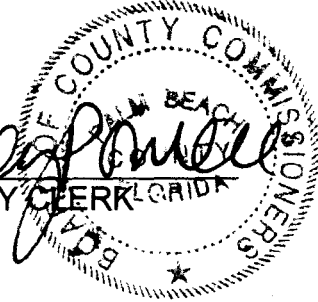


EXHIBIT A

LEGAL DESCRIPTION

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
VICINITY SKETCH

EXHIBIT B		
LOCATION MAP:		
NTS		
<p>LION COUNTRY SAFARI BLVD.</p> <p>WHITNEY RD.</p> <p>SEMINOLE PRATT</p> <p>OKEECHOBEE BLVD.</p> <p>SOUTHERN BLVD. (STATE RD. 80)</p>	<p>NORTH</p>	
PALM BEACH COUNTY VICINITY SKETCH / ZONING		
	Petition No: <u>98-050</u>	<p>North</p>
	Zoning Quad Page: <u>91</u>	
	Date: <u>1-18-12</u>	

EXHIBIT C

CONDITIONS OF APPROVAL

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 Cheetham 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
MUPD		
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
Total	588.6	290,455
RVPD (not part of MUPD)		
RV Park (approved 611 units)	71.7	20,000
Total	660.3	310,455

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. Special events and attractions such as, but not limited to, auctions, circuses, gun shows, tent revivals 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)