

RESOLUTION NO. R-99- 963

- RESOLUTION APPROVING ZONING PETITION PDD98-50
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF LION COUNTRY SAFARI
BY ELLEN SMITH, 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 petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20), have been satisfied; and

WHEREAS, Zoning Petition PDD98-50 was presented to the Board of County Commissioners at a public hearing conducted on March 29, 1999; and,

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner 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 made the following findings of fact:

1. This official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan;
2. This official zoning map amendment (rezoning) is consistent with the requirements of the Palm Beach County Unified Land Development Code;
3. This official zoning map amendment (rezoning) with approved conditions is compatible with surrounding uses and zones, as defined in the Palm Beach County Unified Land Development Code, is generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;
4. This official zoning map amendment (rezoning) with approved conditions does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
5. This official zoning map amendment (rezoning) with approved conditions will result in a logical and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 11, (Adequate Public Facilities) of the Palm Beach County Unified Land Development Code, Ordinance 92-20; and,
7. This official zoning map amendment (rezoning) with approved conditions is consistent with the requirements of all other applicable local land development regulations.

ORIGINAL

WHEREAS, Article 5, Section 5.3.D.9 (Action by Board of County Commissioners) 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 Petition PDD98-50, the petition of Lion Country Safari by Ellen Smith, agent, for an Official Zoning Map Amendment (Z) to a Planned Development District (PDD) to rezone from Agricultural Residential (AR) to Multiple Use Planned Development (MUPD) with outdoor entertainment, 147 room hotel and water and wastewater treatment plant and existing zoo but excluding the water park on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on March 29, 1999, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Roberts moved for the approval of the Resolution.

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

Maude Ford Lee, Chair	-	Aye
Warren Newell, Vice Chair	-	Absent
Karen T. Marcus	-	Aye
Carol A. Roberts	-	Aye
Mary McCarty	-	Absent
Burt Aaronson	-	Aye
Tony Masilotti	-	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on March 29, 1999.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

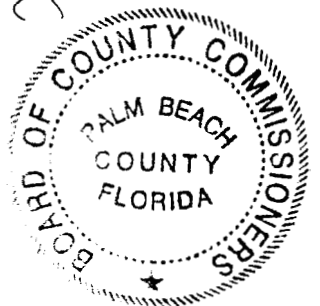


EXHIBIT A
LEGAL DESCRIPTION

LION COUNTRY SAFARI
PCN 00-40-43-23-00-000-1000/1010

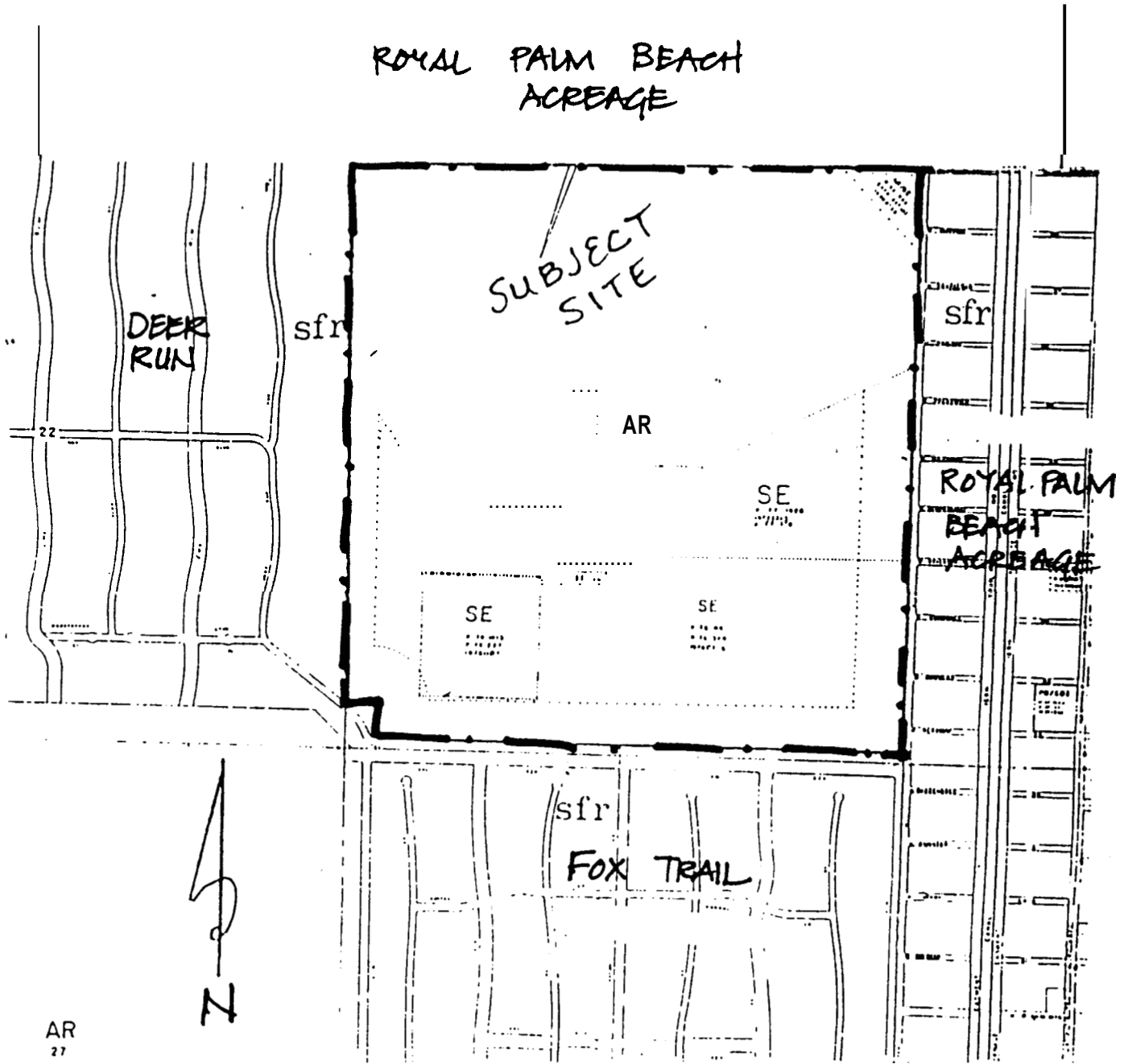
PARENT TRACT

SECTION 23, TOWNSHIP 43 SOUTH, **RANGE 40 EAST**, PALM BEACH COUNTY,
FLORIDA, **LESS** HOWEVER THE SOUTH 460 FEET OF THE WEST 290 FEET
THEREOF **AND** THE SOUTH 100 FEET THEREOF.

**SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF
WAY OF RECORD.**

CONTAINING 28,766,486 SQUARE FEET OR 660.4 ACRES, GROSS.

EXHIBIT B
VICINITY SKETCH



08-50

JUN 17 1995

EXHIBIT C

CONDITIONS OF APPROVAL ,

NOTE: All previous conditions of approval are shown in **BOLD** and will be carried forward with this petition unless expressly modified.

A. ALL PETITIONS

1. Condition A.I of Resolution R-96-996, Petition CA78-227(A) which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-76-568 (Petition 76-66), R-77-1420 (Petition 77-178), R-78-1413 (Petition 78-227), and R-1623 (Petition 79-224) have been consolidated as indicated herein. 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. (ONGCING: MONITORING-Zoning)

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-76-568 (Petition 76-66), R-78-1413 (Petition 78-227), Resolution 96-996 (Petition 78-227(A)), and 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. (ONGCING: MONITORING-Zoning)

2. 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. (ONGCING: ZONING)
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/DRC: ZONING)

B. 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)

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. (DRC: ZONING)
3. 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)

C. 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. (BLDG PERMIT: BLDG - Zoning)

D. 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. (BLDG PERMIT: BLDG - Zoning)

E. ENGINEERING

1. **The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project, Zoning Petition Number 78-227(A), to be paid at the time of issuance of the Building Permit presently is \$110.00 (2 additional trips X \$55.00 per trip).** (Previously Condition E.1 of Resolution R-96-996, Petition CA78-227(A)) (BLDG PERMIT: ACCOUNTING - Fair Share Fee Coordinator) [Is hereby deleted. Reason: Code requirement]
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)
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)

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: ENG)

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 C, 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 be 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. (ENG)

F. ENVIRONMENTAL RESOURCES MANAGEMENT

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. (DRC: ERM)
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. (DRC:ERM)

G. 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. (DRC: HEALTH)
2. 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. (DRC: HEALTH)

H. LANDSCAPING - STANDARD

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)
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)
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)

I. LANDSCAPING - INTERIOR

1. 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. (DRC: ZONING)
2. 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. (DRC: ZONING)
3. 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. (DRC: ZONING)

J. LANDSCAPING ALONG PERIMETER PROPERTY LINES (EXCLUDING EASTERN PROPERTY LINE OF RV PARK)

1. 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.
 - e. The western property line buffer may be reduced to accommodate the proposed 40' vehicular access for the Hotel located in Pod F. (see Condition 8.2.). (DRC/CO: ZONING/LANDSCAPE)
2. 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. (DRC/CO: ZONING/LANDSCAPE)
3. 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, Condition J.1 above. (ONGOING/BLDG PERMIT: ZONING)
4. 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. (DRC/BLDG PERMIT: ZONING)
5. No additional landscapings shall be required for the existing drive-through zoo pod (Pod A) encroachments into the north, east, and west property line buffers. (DRC/BLDG PERMIT: ZONING)

6. 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. (DRC/ERM:ONGOING-Zoning)

K. LIGHTING

1. 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. (CO/ONGOING: BLDG/CODE ENF - Zoning)
2. All freestanding outdoor lighting shall be shielded and not exceed thirty five (35) feet in height, measured from finished grade to highest point (CO: BLDG - Zoning)
3. 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)

L. MASS TRANSIT

1. 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)
2. 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. (ELDG PERMIT: MONITORING - Eng)
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)
4. Commercial locations which are open to the public shall not restrict public mass transit access. (ONGOING: PALM TRAN)

M. MUPD

1. 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). (DRC: ZONING)
2. 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. (DRC: ZONING - Co Att)
3. 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. (DRC: ZONING - Co Att)
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. (DRC: ZONING)

N. NOISE

1. 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)

O. TOWERS

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.** (Previously Condition D.1 of Resolution R-96-996, Petition CA78-227(A) for Pod C) (ONGOING: PREM)
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.** (Previously Condition D.2 of Resolution R-96-996, Petition CA78-227(A) for Pod C) (DRC: AIRPOF TS)
3. **The communication tower shall be limited to a maximum height of 180 feet, measured from finished grade to highest point.** (Previously Condition D.3 of Resolution R-96-996, Petition CA78-227(A) for Pod C) (DRC: ZONING - BLDG)

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. (Previously Condition A.2 of Resolution R-96-996, Petition CA78-227(A) for Pod C) (ONGOING: ZONING)
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. (Previously Condition C.1 of Resolution R-96-996, Petition CA78-227(A) for Pod C) (DRC: AIRPORTS)
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. (Previously Condition H.1 of Resolution R-96-996, Petition CA78-227(A) for Pod C) (DRC: LANDSCAPE - Zoning)

P. SITE PLAN APPROVAL

1. 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/DRC: MONITORING - Zoning)

Q. 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. (Previously Condition B.1 of Resolution R-96-996, Petition CA78-227(A)) (CO: BLDG)
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)
3. No off-premise signs or relocated billboards shall be permitted on the site. (ONGOING/DRC: CODE ENF/ZONING)
4. 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)

5. - 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. (CO: BLDG)

R. 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.** (Previously Condition G.1 of Resolution R-96-996, Petition CA78-227(A)) (ONGOING: ZONING - Code Enf)
2. 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)
3. 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 to 'over 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 6,000 s.f 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)

4. Hours of operation for hotel ancillary uses and the 6,000 square foot 175 seat 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)
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. (DRC/BLDG PERMIT: ZONING/BLDG - Zoning)
6. 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)
7. 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: ZONING/BLDG/CODE ENF)
8. 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. (DRC/BLDG PERMIT: ZONING/BLDG - Zoning)
9. 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)
10. 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)
11. 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. (DRC/BLDG PERMIT: BLDG/ZONING)

S. COMPLIANCE

1. - In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner 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. Condition 1.1 of Resolution R-96-996, Petition CA78-227(A) which currently states:

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; 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; 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 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.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as **otherwise** provided in the Unified Land Development Code (ULDC), as **amended**. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order **Amendment** or other actions based on a Board of County Commission decision **shall** be by petition for writ of certiorari to the Fifteenth Judicial **Circuit**. (MONITORING)

Is hereby amended to read:

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; 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 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 a majority vote of the Code Enforcement Board 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 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)

EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in **BOLD** and will be carried forward with this petition unless expressly modified.

A. ALL PETITIONS

1. Condition A.1 of Resolution R-96-996, Petition CA78-227(A) which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-76-568 (Petition 76-66), R-77-1420 (Petition 77-178), R-78-1413 (Petition 78-227), and R-1623 (Petition 79-224) have been consolidated as indicated herein. 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 Resolutions R-76-568 (Petition 76-66), R-78-1413 (Petition 78-227), Resolution 96-996 (Petition 78-227(A)), and 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)

2. 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)
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 acceptable to the Zoning Division/Engineering Department approval. (ONGOING: ZONING)

B. 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 Back Boulevard. (ONGOING: CODE ENF - Zoning)

2. New or proposed internal or external accessways, and parking areas shall not encroach in the required three hundred (300) foot or five hundred (500) 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. (DRC: ZONING)
3. Drainage and retention areas may be permitted in the required three hundred (300) foot south buffer 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)

C. 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 C. R. G. architects as referenced in the regulating plan by David W. Lockmiller, Landscape Architect dated November 12, 1998. (BLDG PERMIT: BLDG - Zoning)

D. BUILDING AND SITE DESIGN

1. The minimum setback for all new structures within the MUPD shall be as listed below. In case of a conflict between this condition and current U.L.D.C. requirement(s) the more restrictive of the two shall be applied. These setbacks shall not apply to existing structures such as animal shelters, animal housing or related structures, previously approved TV and cellular towers, the existing drive-through zoo and wastewater treatment plant or expansion of uses provided the expansion complies with the setbacks contained in the U.L.D.C.
 - a. North and west property lines - minimum three hundred (300) feet;
 - b. South and east property lines - minimum five hundred (500) feet. The required setback from the south property line shall be inclusive of the future 200' Okeechobee Boulevard right of way. (DRC: ZONING)
2. The maximum height for all enclosed structures, including all air conditioning and mechanical equipment (excluding any approved communication towers), measured from finished grade to the highest point, shall not exceed thirty five (35) feet and two (2) stories, unless otherwise specified herein.
3. The proposed interactive ball structure, observation tower and giraffe feeding station (Pod D) shall not exceed forty-five (45) feet measured from finished grade to the highest point. (BLDG PERMIT: BLDG - Zoning)
4. The maximum height for the water slides and any related accessory structures for water park (Pod E), including canopies, lifeguard stands, and louvered platform enclosures shall be limited to sixty (60) feet, measured from finished grade to the highest point. (BLDG PERMIT: BLDG - Zoning)
5. 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. (BLDG PERMIT: BLDG - Zoning)

E. ENGINEERING

1. **The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project, Zoning Petition Number 78-227(A), to be paid at the time of issuance of the Building Permit presently is \$110.00 (2 additional trips X \$55.00 per trip). (Previously Condition E.1 of Resolution R-96-996, Petition CA78-227(A)) (BLDG PERMIT: ACCOUNTING - Fair Share Fee Coordinator)**
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 within the 500 foot buffer 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 owners 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)
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)
4. The Property Owner shall fund the cost of a flashing signal, which may be converted to a full signal, at the intersection of SR 80 and the entrance to Lion Country Safari. Funding for this signal shall be completed prior to June 1, 1999. This flashing signal shall be converted to full signalization if and when warranted as determined by the County Engineer and the Florida Department of Transportation (DATE: MONITORING-Eng).
5. Operation of the water theme park shall be limited to a total of one hundred and fifty (150) days per year. An approved operating plan for the operation of this water theme park shall be approved by the DRC prior to final site plan approval. This operating plan may be administratively amended by the DRC based upon a revised Traffic Impact Analysis. (DRC/ONGOING: ENG/CODE ENF)
6. Prior to final site plan approval by the Development Review Committee (DRC) for the water park pod (Pod E), a traffic calming plan for the public portion of Lion Country Safari Road shall be approved by the Engineering Department. This plan shall provide details of the proposed location and types of traffic calming devices which will be installed. (DRC: ENG)
7. Prior to the issuance of the first Certificate of Occupancy (CO) or the first Certificate of Completion (CC) for any structure, enclosed or unenclosed, within the water park, traffic calming devices, acceptable to the Engineering Department, shall be funded and installed by the petitioner along the public portion of Lion Country Safari Road. (CO/CC: BLDG - ENG/ZONING)

8. 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: ENG'
9. Prior to the issuance of a Building Permit for the Water Theme Park or prior to January 1, 2003 whichever shall first occur, the property owner shall convey to Palm Beach County a minimum of two (2) road drainage easement(s) through the project's internal drainage system, 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 300 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 roadway(s) 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 stormwater 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. (BLDG PERMIT/DATE: MONITORING-Eng)
- a) In the event the Property Owner commences construction of the Water Theme Park prior to the Construction of Okeechobee Boulevard by Others, 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 being constructed for the Water Theme Park.
- b) If no additional storage areas are being constructed for the Water Theme Park, 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 may be conveyed as temporary easements. These temporary easements may then be 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 for the Water Theme Park. (ENG)

F. ENVIRONMENTAL RESOURCES MANAGEMENT

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. (DRC: ERM)
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. (DRC: ERM)

G. 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. (DRC: HEALTH)
2. 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. (DRC: HEALTH)
3. Prior to issuance of any permits by the Palm Beach County Health Department for water and wastewater treatment plant expansion, the petitioner will enter into a contract with the appropriate public utility to operate and maintain the facility. (DRC: HEALTH)
4. Application and engineering plans to permit any necessary additions or relocations of water distribution systems and/or wastewater collection systems must be submitted to the Palm Beach County Health Department prior to final site plan review. (DRC: HEALTH)

H. LANDSCAPING - STANDARD

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)

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)
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)

I. LANDSCAPING - INTERIOR

1. 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. (DRC: ZONING)
2. 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. (DRC: ZONING)
3. Buffers between incompatible land uses, pods, and adjacent to internal right-of-way within the PUD shall be subject to review and approval by the Development Review Committee. (DRC: ZONING)

J. LANDSCAPING ALONG PERIMETER PROPERTY LINES (EXCLUDING EASTERN PROPERTY LINE OF RV PARK)

1. Landscaping along the east and south property lines shall include the following:
 - a. A minimum five hundred (500) foot wide landscape buffer strip shall be required for each property line unless specifically modified. The required southern buffer shall include the proposed two hundred (200) foot wide Okeechobee Boulevard extension;
 - 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;
 - 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. (DRC/CO: ZONING/LANDSCAPE)
2. 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.
 - e. The western property line buffer may be reduced to accommodate the proposed 40' vehicular access for the Hotel located in Pod F. (see Condition B.2.). (DRC/CO: ZONING/LANDSCAPE)
3. Landscaping along the north and west property lines of the hotel (Pod F) shall include a minimum ten (10) foot high fence setback a minimum fifty (50) feet from the north and west property lines. (DRC/CO: ZONING/LANDSCAPE)
 4. 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 500' and 300' buffers of Conditions J.1 and 2 above. (ONGOING/BLDG PERMIT: ZONING)
 5. 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. (DRC/BLDG PERMIT: ZONING)
 6. No additional landscaping shall be required for the existing drive-through zoo pod (Pod A) encroachments into the north and east property line buffers. (DRC/BLDG PERMIT: ZONING)
 7. 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. (DRC/ERM: ONGOING-Zoning)

K. LIGHTING

1. All outdoor lighting used to illuminate the subject property and identifications signs shall be of low intensity, minimum necessary to satisfy Security Code, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING: BLDG/CODE ENF - Zoning)
2. All outdoor lighting fixtures for the water slides and any related water park accessory structure, shall be shielded by louvers or roll down shades after 10:00 p.m. and not be visible from perimeter property lines. (CO: BLDG - Zoning)
3. All freestanding outdoor lighting shall be shielded and not exceed thirty five (35) feet in height, measured from finished grade to highest point (CO: BLDG - Zoning)
4. All outdoor lighting shall be extinguished no later than thirty (30) minutes after the closing times as described in Condition T.3 and T.4, excluding security lighting only. (ONGOING: CODE ENF)
5. 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)

L. MASS TRANSIT

1. 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)
2. 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)
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)
4. Commercial locations which are open to the public shall not restrict public mass transit access. (ONGOING: PALM TRAN)

M. MUPD

1. 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). (DRC: ZONING)
2. 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. (DRC: ZONING - Co Att)
3. 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. (DRC: ZONING - Co Att)

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. (DRC: ZONING)

N. NOISE

1. No persons or fixed equipment shall be permitted to cause any sound that collectively or individually exceeds forty-seven (47) dBA at any residential receiving property line. This shall be determined by the average noise level (LEQ A-weighted) measured over a period of not less than ten (10) minutes. (ONGOING: CODE ENF)
2. All outdoor loudspeakers or amplification devices shall be directed inward and away from perimeter property lines. Live or pre-recorded music, musical performances, etc. shall utilize proposed pinpoint amplification guidelines. (ONGOING: CODE ENF)

O. TOWERS

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. (Previously Condition D.1 of Resolution R-96-996, Petition CA78-227(A) for Pod C) (ONGOING: PREM)
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. (Previously Condition D.2 of Resolution R-96-996, Petition CA78-227(A) for Pod C) (DRC: AIRPORTS)
3. The communication tower shall be limited to a maximum height of **180** feet, measured from finished grade to highest point. (Previously Condition D.3 of Resolution R-96-996, Petition CA78-227(A) for Pod C) (DRC: ZONING - BLDG)
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. (Previously Condition A.2 of Resolution R-96-996, Petition CA78-227(A) for Pod C) (ONGOING: ZONING)
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. (Previously Condition C.1 of Resolution R-96-996, Petition CA78-227(A) for Pod C) (DRC: AIRPORTS)

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.** (Previously Condition H.1 of Resolution R-96-996, Petition CA78-227(A) for Pod C) (DRC: LANDSCAPE - Zoning)

P. SITE PLAN APPROVAL

1. 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), and E (Water park) of the MUPD and all related parking areas as shown on the preliminary development plan dated March 17, 1999. (DATE/DRC: MONITORING - Zoning)

Q. 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.** (Previously Condition B.1 of Resolution R-96-996, Petition CA78-227(A)) (CO: BLDG)
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)
3. No off-premise signs or relocated billboards shall be permitted on the site. (ONGOING/DRC: CODE ENF/ZONING)
4. 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)
5. 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. (CO: BLDG)

R. 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.** (Previously Condition G.1 of Resolution R-96-996, Petition CA78-227 (A)) (ONGOING: ZONING - Code Enf)

2. 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:
- Jet or water skiing;
 - Outdoor Shooting ranges;
 - Cocktail lounge (excluding accessory to hotel use);
 - Indoor movie theatre;
 - Go-cart, moto-cross or other types of race tracks;
 - Bingo parlors;
 - Type III excavations (excluding on-site grading/improvements);
 - Auctions, enclosed;
 - Flea market, enclosed or open; and,
 - Assembly nonprofit institutional or membership. (ONGOING: ZONING)
3. 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	-21.2	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
Pod E - Outdoor Entertainment (Water Park)	22.6 (including 7.6 acre overlap into Pod B)	25,955 (including 10,000 sq. ft. covered shade structures)
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)	160.4	0
Total	588.7	316,410
RVPD		
RV Park	177.7	20,000/61 ■
Total	660.4	61 ■

- Gross floor area for the MUPD may be increased an additional 1,300 squarefeet, subject to Development Review Committee (DRC) approval. The additional floor area may not be relocated to Pod G (future development). (DRC: ZONING)

- b. 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: ZONING)

4. Hours of operation for all uses, excluding those within the hotel pod (Pod F), shall be limited to the following:
 - a. Indoor: 8:00 a.m. - 8:00 p.m. daily; and,
 - b. Outdoor: 8:00 a.m. - 8:00 p.m. daily. (ONGOING: CODE ENF)

5. Hours of operation for hotel ancillary uses and the 6,000 square foot 175 seat 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)

6. 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. (DRC/BLDG PERMIT: ZONING/BLDG - Zoning)

7. 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)

8. 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: ZONING/BLDG/CODE ENF)

9. Accessory amusement rides for the Walk Through Village (Pods D1 and D2) shall be in accordance with the number and type of rides as previously approved for Petition No. 76-66 Exhibit 16. (DRC/BLDG PERMIT: ZONING/BLDG - Zoning)

10. The maximum height for accessory amusement rides in the Walk Through Village (Pod D) shall not exceed not exceed twenty-five (25) feet in height. (DRC/BLDG PERMIT: BLDG/ZONING)

11. Accessory kiddie rides (as defined by Florida Statute Section 616.242) may be permitted in the Walk Through Village (Pod D) provided the rides do not exceed the height per Condition U.10. (DRC/BLDG PERMIT: BLDG/ZONING)

12. 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.

S. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner 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. Condition 1.1 of Resolution R-96-996, Petition CA78-227(A) which currently states:

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; 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; 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 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.

Appeals of any departmental administrative actions hereunder **may** be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)

Is hereby amended to read:

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; 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 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 a majority vote of the Code Enforcement Board 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 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)