

ORDINANCE NO. 01- 14

AN ORDINANCE AMENDING ORDINANCE NUMBER 91-102, THE COLLIER COUNTY LAND DEVELOPMENT CODE WHICH INCLUDES THE COMPREHENSIVE ZONING REGULATIONS FOR THE CITY OF MARCO ISLAND, FLORIDA BY AMENDING THE OFFICIAL ZONING ATLAS MAP NUMBERS MB6B & MB7B; BY CHANGING THE ZONING CLASSIFICATION OF THE HEREIN DESCRIBED REAL PROPERTY FROM "RT-MIZO" TO "PUD" PLANNED UNIT DEVELOPMENT KNOWN AS THE MARCO BEACH RESORT PUD, TO VEST THE EXISTING HOTEL ROOMS, ACCESORY USES, AND EXISTING PARKING SPACES LOCATED ON THE SUBJECT SITE IN ORDER TO PERMIT RENOVATION, REDEVELOPMENT, AND NEW DEVELOPMENT; INCREASE THE BUILDING HEIGHT FOR THE RESIDENTIAL PARCEL; AND TO PROVIDE A 103 UNIT CONDOMINIUM ON THE RESIDENTIAL PARCEL; FOR PROPERTY LOCATED AT 400 SOUTH COLLIER BOULEVARD, IN SECTIONS 17 AND 18, TOWNSHIP 52 SOUTH, RANGE 26 EAST, CITY OF MARCO ISLAND, FLORIDA, CONSISTING OF 39.32 ACRES; AND BY PROVIDING AN EFFECTIVE DATE.

Whereas, Donald A. Pickworth, P.A., representing Massachusetts Mutual Life Insurance Company and Cornerstone Real Estate Advisers, Inc., petitioned the Marco Island City Council to change the zoning classification of the herein described real property;

Now, therefore be it ordained by the City Council of Marco Island, Florida;

Section One:

The zoning classifications of the herein described real property located in Sections 17 and 18, Township 52 South, Range 26 East, City of Marco Island, Florida, is changed from "RT-MIZO" to "PUD" Planned Unit Development in accordance with the Marco Beach Resort PUD Document, attached hereto as Exhibit "A" and incorporated by reference herein. The Official Zoning Atlas Numbers MB6B & MB7B, as described in Ordinance 91-102, of the Collier County Land Development Code, is hereby amended accordingly.

Section Two:

The ordinance shall become effective upon adoption.

Passed in open and regular session through roll call vote by the City Council of the City of Marco Island, Florida, this 5th day of September, 2001.

ATTEST:

CITY OF MARCO ISLAND, FLORIDA



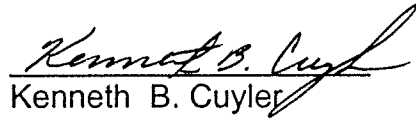
A. William Moss
City Manager/City Clerk

BY:



E. Glenn Tucker, Chairman

Approved as to form and
legal sufficiency:



Kenneth B. Cuyler
City Attorney

Marco Beach Resort

A

Planned Unit Development

Regulations and supporting Master Development Plan governing the Marco Beach Resort PUD, a planned unit development.

Prepared for:

Cornerstone Real Estate Advisers, Inc.
As agent for the Owners:
Massachusetts Mutual Life Insurance Company

Prepared by:

Donald A Pickworth, PA
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&

RWA, Inc.
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Naples, FL 34104

Submitted: May 2001
Revised Draft: September 4, 2001

DATE REVIEWED BY MIPB:	<u>June 21, 2001</u>
DATE APPROVED BY MICC:	<u>September 5, 2001</u>
ORDINANCE NUMBER:	_____
AMENDMENTS AND REPEAL:	_____

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AND
LIST OF EXHIBITS**

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LIST OF EXHIBITS

EXHIBIT A	LEGAL DESCRIPTIONS
EXHIBIT B:	PUD Master Plan
EXHIBIT C:	Architectural Rendering of Residential Condominium

**STATEMENT OF COMPREHENSIVE PLAN CONSISTENCY
AND SHORT TITLE**

The Marco Beach Resort Planned Unit Development (the PUD) sets forth the development regulations to be applicable to the lands and improvements described herein (the Property), consisting of approximately 39.32 acres of land located on South Collier Boulevard in the City of Marco Island, Florida.

By the adoption of this PUD the City specifically finds and determines that all future development and/or redevelopment of the Property in accordance with this PUD (the Project) is consistent and in conformance with the City of Marco Island Comprehensive Plan (hereinafter the City Comprehensive Plan). The factors upon which this consistency determination is made includes, but is not limited to, the following:

1. The Project is consistent with Objective 1.1. of the Future Land Use Element (FLUE) of the City Comprehensive Plan requiring all new land uses to be consistent with the Future Land Use Map (FLUM).
2. The Property is located within the Resort Residential District as described on the FLUM, which allows for hotel and residential uses, including the resort hotel and residential uses authorized by this PUD.
3. The Project, as proposed, is compatible with adjacent land uses and includes adequate buffering where dissimilar land uses are located adjacent to each other.
4. The Florida Department of Community Affairs issued Binding Letter of Vested Rights (BLIVR) No. 900-06 and Binding Letter of Interpretation (BLID) No. 0900-010 on October 24, 2000 (the Binding Letters). The Binding Letters determined that the project is not required to be reviewed as a Development of Regional Impact (DRI).
5. The Project is not anticipated to cause or result in the Levels of Service (LOS) for any public facility to drop below the LOS adopted for such facility.
6. The Project is consistent with Policy 1.1.1 of the FLUE of the City's Comprehensive Plan in that the maximum anticipated residential density and hotel units is less than that which is authorized in the City's Comprehensive Plan and Land Development Code for the subject site.
7. The Project is consistent with Policy 1.3.1 of the FLUE in that the PUD requires the Resort Operator to provide meeting space for an annual Hurricane Awareness Seminar in order to educate residents regarding hurricane preparedness and hurricane evacuation procedures, thus enhancing hurricane evacuation plans.
8. The Project is consistent with Policy 1.8.1 of the FLUE in that it provides for the development of improvements to South Collier Boulevard that are intended to enhance pedestrian and bicycle facilities.

9. The project is consistent with Policy 1.1.3 of the Transportation Element of the City's Comprehensive Plan in that it is intended to promote improved pedestrian and bicycle facilities, which are ADA compliant.
10. The project is consistent with Policy 1.2.3 of the Transportation Element of the City's Comprehensive Plan in that it mitigates for traffic impacts, both on and off-site.
11. The project is consistent with Policy 1.3.4 of the Potable Water Sub-Element of the Infrastructure Element of the City's Comprehensive Plan in that the PUD requires the property owner to install the necessary infrastructure to utilize reclaimed (gray) water for irrigation and to negotiate with Florida Water Services to develop an agreement for such usage.
12. The project is consistent with the Stormwater Management Sub-Element of the Infrastructure Element of the City's Comprehensive Plan in that the Project will be designed to meet current stormwater management regulations for quantity discharge and water quality.
13. The project is consistent with Objective 1.2 and Policy 1.2.1 of the Stormwater Management Sub-Element of the Infrastructure Element of the City's Comprehensive Plan in that the property owner has agreed to fund and to construct drainage improvements within and adjacent to the South Collier Boulevard right-of-way, as more particularly described on Section 6.1 of this document
14. The project is consistent with Policy 1.5.2. of the Conservation Element of the City's Comprehensive Plan in that the PUD requires the Resort Hotel Parcel Owner to develop a Sea Turtle Nesting Awareness and Educational Program in order to make Employees and Guests fully aware of Sea Turtle Nesting concerns and protection measures.
15. The project is consistent with Objective 2.3 of the Conservation Element of the City's Comprehensive Plan in that the project provides for a reservation of land that may be utilized to provide pedestrian beach access in the future.

SHORT TITLE

This Ordinance shall be known and cited as the Marco Beach Resort PUD.

SECTION I

PROPERTY OWNERSHIP AND DESCRIPTION

1.1 PURPOSE

The purpose of this Section is to set forth the legal description, ownership and location of the Property, and to describe the existing conditions of the Property.

1.2 PROPERTY DESCRIPTION

The Property is located on South Collier Boulevard, approximately 2,600 feet south of San Marco Drive, and runs for approximately 1,600 lineal feet on both sides of South Collier Boulevard. As shown on the PUD Master Plan, the Property consists of two parcels, identified as the Resort Hotel Parcel and the Residential Parcel respectively. The Resort Hotel Parcel contains an existing resort hotel with related amenities and parking areas. The Residential Parcel currently contains some hotel parking facilities, which will be relocated onto the Resort Hotel Parcel, and some villa-type hotel units, which will be demolished.

1.3 LEGAL DESCRIPTION

- A. The Property: See Exhibit A attached hereto
- B. The Resort Hotel Parcel: See Exhibit A attached hereto
- C. The Residential Parcel: See Exhibit A attached hereto
- D. The descriptions of the Resort Hotel Parcel and Residential Parcel set forth in Exhibit A are the approximate boundaries of the two parcels as of the time of adoption of this PUD, and will be subject to adjustment at the time of site development plan submittal. Adjustments to the common boundary between the Resort Hotel Parcel and the Residential Parcel shall be permitted without requiring an amendment to this PUD, so long as the development standards and density requirements are in compliance with this PUD.

1.4 PROPERTY OWNERSHIP

At the time of adoption of this PUD, beneficial title to the Property is vested in: Massachusetts Mutual Life Insurance Company, as the Beneficiary under a certain Trust Agreement dated April 27, 1979 and known as Trust No. 5003950, in which City National Bank of Miami, a United States National Banking Corporation, is Trustee.

SECTION II

LEGISLATIVE INTENT

In adopting this PUD, the City recognizes that the existing resort hotel located on the Property is a substantial economic and social asset to the City, and also recognizes that the development of the property in conformance with this PUD will result in the following benefits to the community:

1. A commitment to limit density and intensity below that which is currently authorized under the existing RT zoning as a result of the construction of high-end residential units in lieu of hotel rooms.
2. An architectural statement that is consistent with the character of Marco Island will be achieved through an increased height, stepped-back building design, and architectural excellence.
3. A front set back from South Collier Boulevard for the residential tower that is, at a minimum, 260 feet or 280% greater than code-required minimums, resulting in increased opens space, view corridors, and landscape design elements.
4. Many of the objectives of the City's Right-of-Way Master Plan will be advanced through the reconstruction and upgrade of South Collier Boulevard.
5. The carrying capacity of South Collier Boulevard is expected to be increased, and traffic flow and vehicular safety enhanced by the installation of turn lanes and pedestrian crossings.
6. Significant aesthetic improvements are anticipated along a portion of South Collier Boulevard pursuant to the provisions of this PUD through streetscape and landscape improvements.
7. Public safety will be significantly enhanced in the South Collier Boulevard right-of-way through improvements designed to maximize drainage capacity and control, thereby reducing ponding and stormwater inundation on South Collier Boulevard between San Marco Road and Spruce Street.
8. A significantly higher percentage of open space will be provided above and beyond the 30% minimum required by the LDC.
9. Enhanced landscaping and buffering, as required by the LDC, will be provided along the boundary between the parking areas and the residential parcels to the east. This landscape buffer will conform to the minimum 15-foot required width. Additionally, an architecturally designed wall, coupled with significantly larger than code minimum plantings, will be installed within the buffer area to maximize functionality and assure an aesthetically pleasing design.

10. The Resort Hotel Parcel Owner has committed to construct or fund roadway and drainage improvements to South Collier Boulevard. The improvements to South Collier Boulevard are more particularly described in Section 6.1, Transportation.

It is the express legislative intent, in adopting this PUD ordinance, to authorize and ensure that the hotel facilities located on the Resort Hotel Parcel can continue to develop, redevelop, and renovate. This ordinance will be liberally construed to effectuate this intent, and nothing in this ordinance shall be construed so as to make the existing resort hotel a non-conforming use.

SECTION III

GENERAL DEVELOPMENT REGULATIONS

3.1 PURPOSE

The purpose of this Section is to establish the general development regulations applicable to the development of the Property, and the relationship of these regulations to other applicable City Ordinances.

3.2 GENERAL

A. From and after the adoption of this PUD Ordinance, all development on the Property shall be in accordance with the development regulations set forth in this document and any other applicable provisions of the City of Marco Island Land Development Code (the LDC), the City Comprehensive Plan and other ordinances of the City. The PUD document is the prevailing ordinance governing the zoning, development and redevelopment of the Property. In the event of a conflict between the development regulations contained in this PUD and other ordinances of general application, including the LDC, the provisions of this PUD ordinance shall prevail. Should the PUD be silent on a particular matter, the LDC or other ordinances of general application shall apply. Unless otherwise noted, the definitions of all terms shall be the same as the definitions set forth in the LDC in effect at the time of building permit application.

B. The Property is located outside an area of historic/archaeological probability as designated on the official Collier County Probability Map. Therefore, no historic/archaeological survey and assessment is required. Pursuant to Section 2.2.25.8.1 of the LDC, if during the course of site clearing, excavation or other construction activity, an historic or archaeological artifact is found, all development within the minimum area necessary to protect the discovery shall be immediately stopped and the City of Marco Island Community Development Department contacted.

C. The PUD Master Plan depicts (i) the existing development on the Resort Hotel Parcel, (ii) the currently authorized redevelopment of a portion of the Resort Hotel Parcel, (iii) the general future location of additional hotel rooms; (iv) the currently authorized residential development area on the Residential Parcel, (v) the proposed redevelopment of a portion of South Collier Boulevard, and (vi) the re-configuration and expansion of the parking areas, landscape buffers, and tennis facilities on the east side of South Collier Boulevard. The Resort Hotel Parcel may be further developed or redeveloped as deemed necessary or desirable for resort hotel operations in accordance with the development standards contained in this PUD or, as may be applicable, with the LDC. Redevelopment of the Resort Hotel Parcel shall not constitute a substantial change from the approved PUD Master Plan and may be reviewed and approved

administratively through a site development plan or other applicable administrative process, provided it is in compliance with the development standards set forth in this PUD. Any future development or redevelopment of the Resort Hotel parcel that does not conform to the development standards and limitations set forth in this PUD, including but not limited to density, room count limitations and restrictions on the type and location of parking facilities shall be deemed substantial changes to the PUD and shall be processed as set forth in the LDC.

With respect to the Residential Parcel, the PUD Master Plan is intended to provide a well-defined and detailed concept for the future development of this parcel. Nevertheless, it is understood that during site plan review or construction, minor revisions to building layout, turn lane lengths, access point locations, architectural design and other site design and site improvement matters may become necessary. Such revisions, whether requested by staff or at the request of the property owner, shall not be considered a substantial deviation from the approved PUD Master Plan provided such revisions or changes do not differ substantially from the approved master plan and conforms to the development standards set forth in this PUD. Such minor deviations from the PUD Master plan may be reviewed and approved administratively by the Community Development Director

D. The plan for development and potential redevelopment of the Project, including access points, right-of-way improvements, and developable tracts, is illustrated graphically by the PUD Master Plan labeled Exhibit "B." Minor deviations from, or revisions to, the depictions represented on the attached exhibits and renderings may become necessary during site planning, site development and construction. It is recognized that minor revisions to the proposed median opening locations, turn lane lengths, and other proposed right-of-way improvements may be necessary during the site plan review or construction process. Such minor variations may be reviewed and approved administratively by the Community Development Director and/or the Public Works Director as may be applicable, provided such minor revisions do not include increased height or density and are otherwise in compliance with the development standards set forth in this PUD.

E. Changes to the PUD that are deemed to be substantial, as set forth paragraph 3.2 (C) above, shall be reviewed in accordance with the policies and procedures set forth in the LDC.

3.3 PROJECT DENSITY

The aggregate density within the PUD shall not be in excess of the density permitted by the City Comprehensive Plan. The maximum number of residential units on the Residential Parcel shall not exceed 103 units or 167 hotel rooms. The

maximum number of hotel rooms on the Resort Hotel Parcel shall not exceed 810 rooms.

3.4 SUBDIVISION PLAT NOT REQUIRED

The division of the Property into the Resort Hotel Parcel and the Residential Parcel does not constitute a subdivision of the Property under the LDC, and therefore, site development as depicted on the PUD master Plan will not require submission of a subdivision plat.

**SECTION IV
DEVELOPMENT STANDARDS-RESORT HOTEL PARCEL**

4.1 USES PERMITTED

No building or structures or part thereof, shall be erected, altered or used, or land used, in whole or part, for other than the following:

A. Permitted Uses. The following uses are permitted as of right on the Resort Hotel Parcel.

1. Hotels, motels, and timeshare facilities
2. Multiple-family dwellings

B. Accessory Uses

1. Uses and structures that are accessory and incidental to the uses permitted as of right on the Resort Hotel Parcel, which shall include, but not be limited to: at grade parking and other existing facilities on the east side of Collier Boulevard; limited to the locations depicted on the PUD Master Plan; health spa; tennis facilities; swimming pools; parking facilities on the west side of Collier Boulevard; and other similar recreational facilities. Other than elevated tennis courts located on the northwest quadrant of the parking area on the east side of Collier Boulevard as depicted in the PUD master plan, no building or elevated structures, including but not limited to generators and elevated parking structures are permitted on the east side of Collier Boulevard.

Notwithstanding the foregoing, the existing cooling towers may be repaired or replaced, limited to the existing footprint as depicted on the Master Plan. The cooling towers may be relocated but shall not be moved any farther to the east (closer to the single-family development) of the existing location

2. Retail shops, personal service establishments, eating or drinking establishments, dancing and staged entertainment facilities, meeting rooms and auditoriums, and other amenities where such uses are an integral part of a hotel and are used wholly or partially by the patrons of the hotel.

4.2 DIMENSIONAL STANDARDS

A. Minimum Yard Requirements for structures:

1. Front Yard: One half the building height as measured from each exterior wall or wing of a structure with a minimum of 30 feet.
2. Side Yard: One half the building height as measured from each exterior wall with a minimum of 15 feet.
3. Rear yard: One half the building height as measured from each exterior wall with a minimum of 30 feet
4. Common yard between Resort Hotel Parcel and Residential Parcel: 5 feet, provided however, that structures shall be no closer together than 15 feet, or the separation required by applicable life safety codes, whichever is more restrictive.

D. Maximum height:

1. For all new development: Ten stories not to exceed 100 feet; or,
2. For redevelopment of existing structures which currently exceed 100 feet in height: 100 feet or the height of said structure existing at the date of adoption of this PUD.

E. Minimum floor area of hotel rooms: 300 square feet.

F. Distance between structures: Between any two separated principal buildings on the same parcel of land, there shall be provided a distance equal to 15 feet. Accessory structure yards shall be in accordance with the LDC.

4.3 MAXIMUM DENSITY PERMITTED: 810 hotel units.

4.4 OFF-STREET PARKING

- A. In order to establish a baseline from which the parking requirements of future development and redevelopment of the Resort Hotel Parcel may be determined, the existing development on the Resort Hotel Parcel (Existing Development) and the existing marked impervious parking spaces are set forth at Table 4.4 (a), based on a certain aerial image of existing parking by RWA, Inc. dated February, 1999, which is hereby approved. This baseline number of parking spaces is hereby declared to constitute the lawful and conforming parking for the Existing Development, as authorized by the LDC.

[See Table on Next Page]

TABLE 4.4 (a)

MARCO MARRIOTT HOTEL
EXISTING DEVELOPMENT

FACILITY	SIZE OR QUANTITY (EXPRESSED IN TERMS OF PARKING REQUIREMENT)
Guest Rooms	735 Rooms
Restaurant No. 1 (Voyager)	9,017 sq. ft.
Restaurant No. 2	120 seats
Restaurant No. 3	5,073 sq. ft.
Restaurant No. 4	62 seats
Restaurant No. 5	1,460 sq. ft.
Meeting rooms/Ballrooms	48,375 sq. ft.
Retail Shops	10,806 sq. ft.
Lounge	320 sq. ft.
Swimming Pool No.1 (@ Voyager)	3,068
Swimming Pool No.2	3,978 sq. ft.
Swimming Pool No. 3	4722
Tennis Courts	16 Courts
Pro Shop	1,076 sq. ft.
Total existing marked impervious parking spaces (per RWA, Inc. aerial)	897 spaces

- B. Future development and redevelopment will be required to provide parking for such development in accordance with the requirements of the LDC as of the date of the adoption of this PUD, subject to the following:

1. There will be a credit for any facilities that are demolished, reduced in size or quantity, or converted from another use. For example, if a restaurant containing 100 seats, which requires 25 parking spaces under the hotel parking regulations of the LDC (one space per two seats, reduced by 50 %) is demolished and a ballroom containing 7,000 square feet, which requires 70 parking spaces (one space per 100 square feet) is constructed, then 45 new spaces would be required (70 less the credit of 25 spaces).
2. In applying the above to future development, the following rules of construction shall apply:
 - a. If the proposed development results in the need for additional parking spaces (as in the example above), such development shall provide only be authorized if sufficient new guest parking spaces, calculated in accordance with the LDC ~~are provided~~, as set forth in Section 4.4 G below.
 - b. If the proposed development does not generate a need for additional guest spaces (i.e. the parking requirement for the proposed development is equal to the parking requirement for the existing development being demolished or converted), then no additional spaces will be required for the proposed development.
- C. Twenty-five (25%) percent of the self-parking may be striped to a dimension of 8 X 16 feet, with allowable overhang as provided in the LDC and designated as compact car spaces, which shall be denoted by pavement markings, in recognition of the fact that a large proportion of the hotel guests that arrive by automobile drive compact rental cars.
- D. Stacking of vehicles is permitted in all areas designated for valet parking.
- E. Twenty-five (25%) percent of the designated employee parking lot may be striped to a dimension of 8 X 16 feet, with allowable overhang as provided in the LDC and designated as compact car spaces, which shall be denoted by pavement markings.
- F. The hotel has and will continue to explore and encourage methods to decrease employee parking needs by such methods as ride-sharing and other forms of transit.

- G. Construction of additional parking facilities -The reconfiguration of the parking areas on the east side of South Collier Boulevard will result in the creation of additional surface parking which are required to provide parking displaced by construction on the Residential Parcel and additional parking in accordance with the LDC for the new health spa and ballroom to be constructed on the Resort Hotel Parcel and the renovation of certain restaurant and office facilities. The total number of parking spaces needed to provide for the existing uses, the proposed health spa and ballroom, and for up to 810 hotel rooms is 1,100. Table 4.4 (b) below provides the LDC required parking for the existing and proposed uses. Any additional construction of resort hotel facilities in addition to those depicted on the PUD master plan which results in the need for increased parking spaces pursuant to the methodology set forth in Section 4.4(B) of this PUD document shall require the construction of additional parking facilities in an amount required by the LDC for such additional facilities. In no case, however, shall a above grade buildings or elevated structures, including parking structures be permitted on the east side of Collier Boulevard, other than elevated tennis courts as provided for in Section 4.1(B) 1 of this PUD.

[See Table on Next Page]

TABLE 4.4 (b)

MARCO BEACH RESORT PUD
RESORT PARCEL REQUIRED PARKING MATRIX

FACILITY	SIZE OR QUANTITY (EXPRESSED IN TERMS OF PARKING REQUIREMENT)	REQUIRED SPACES
Existing Development	See Table 4.4 (a)	897
New Ballroom	10,009 sq. ft. @1 space per 100 sq. ft.	100
New Spa Facilities	20 treatment rooms @ 1.5 spaces/room	30
New Spa Facilities	7 manicure/pedicure stations @ 1.5 spaces/station	11
New Spa Facilities	4 cutting chairs @ 3 spaces per chair	12
New Spa Facilities	2,103 sq. ft. exercise/weight room @ 1 space/100 sq. ft.	21
New Spa Facilities	2, 686 sq. ft. retail @ 1 space/400 sq. ft.	7
Additional 75 Hotel Rooms ¹	75 rooms @ 11 spaces per 10 rooms	83
Credits for Deleted Uses		
Demolition of Voyager Restaurant		-75
Demolition of 12 Tennis Courts		-36
Total		1,049
	Total Parking provided for Resort Hotel Parcel with at grade Tennis Courts	1,058
	Total Parking for Resort Hotel Parcel with elevated tennis courts and for additional 75 Rooms.	1,100

4.5 LANDSCAPING AND BUFFERS

Landscape and buffers shall be as provided in the LDC subject to the following:

A. The eastern boundary of the portion of the Property located east of Collier Boulevard (i.e. the eastern boundary of the parking areas) shall be buffered by the installation of an architecturally designed concrete, masonry, and/or stucco wall. The actual height of the wall will be at the discretion of the current adjacent property owner, but shall be a minimum of 6-feet and a maximum of 8-feet, and may be intermittently interrupted with architecturally designed “wrought” iron or decorative treatments to provide for open “breaks” in the wall, also at the discretion of the adjacent property owner. The wall may be increased intermittently to provide for pilasters, gates, or columns in order to ensure design flexibility and to ensure adequate flow of light and air. The wall shall not be placed any closer than 10-feet to the property line allowing for the installation and irrigation of plantings on the east

¹ Note: The additional 83 parking spaces, or relative amount thereof, shall only be necessary at such time as the additional 75 rooms or relative amount thereof are constructed.

(residential) side of the wall within the required buffer area. The placement of the wall 10 feet back from the property line is at the request of adjacent property owners and the city. It is not intended to confer a license or invitation with regard to use of the 10 foot strip that will be created, nor is it intended to create or confer on adjacent owners any property rights to the 10 foot strip either expressly, by implication, or by prescription. The Resort Hotel Parcel Owner shall be responsible for maintenance and repair of open space and landscape buffer areas.

B. The buffers adjacent to single-family residential development for all existing and newly constructed parking areas east of Collier Boulevard shall be a minimum of 15 feet in width. Buffers adjacent to South Collier Boulevard shall be a 10-foot wide type "D" buffer as depicted on the PUD Master Plan and may be varied to accommodate right-of-way improvements.

C. The eastern boundary of the parking areas shall be landscaped as provided in the LDC, with the additional requirement that the required canopy trees shall be spaced no more than 30 feet on center and shall have a minimum caliper thickness at breast height of two and one-half (2.5) inches, a minimum height of 14 feet, and a minimum canopy spread of 6 feet.

4.6 SIGNS

As provided in the LDC