

DOU REVISED MARCH 5, 2019

- 1) The Club shall be located in the 264 building and the first floor of the 270 building. The hours of operation will be 11:00 a.m. until 12:00 a.m., Sunday through Wednesday and 11:00 a.m. until 12:30 a.m. Thursday through Saturday. ~~It is the intent that~~ All members and guests shall be required to exit the Club by closing time. □
- 2) There shall be no use by the Club of the second floor of the 270 building except for storage, office, or residential tenancy. ~~a use allowed under the C TS Zoning regulations.~~ □
- 3) The main entrance to the Club shall be through the 270 building; either from the valet access or South County Road. The door located at the corner of South County Road and Phipps Plaza will only serve as a fire-exit door. □
- 4) No single room or space in the Club shall exceed 1,500 square feet in size. □
- 5) There shall be no dance floor or amplified live music, with the number of musicians limited to three. □
- 6) There shall be no outside dining or music. The balconies and roof of the Club's buildings shall not be used for any type of Club activity. □
- 7) The Club will install hurricane/impact windows and doors as well as adequate soundproofing to block all interior noise from the Club being heard outside. □
- 8) The main entrance exterior doors shall be revolving or double doors designed to prevent sound escaping from the Club when opened. □
- 9) There will be no dinner reservations made earlier than 6:15

p.m. □

- 10) The maximum membership shall be 232 people regardless of designation and whether or not dues paying. At least 50% of the Club members shall consist of individuals who are “townpersons” as defined Town’s Code. Members are limited to natural persons and expressly exclude corporations or other entities. Use of a single membership is limited to an adult, that person’s spouse or significant other, and that person’s adult children under the age of 30. Guests must be accompanied by a member when present at the Club. The Club is required to provide proof of town-serving compliance on an annual basis and per the Town’s code. □
- 11) The maximum occupancy shall not exceed 100 people until 6:00 p.m. and 225 people after 6:00 p.m. except when there is an event as defined in Paragraph 14 below in which case the maximum occupancy shall not exceed 250 people after 6:00 p.m. Maximum occupancy shall include Club employees. All guests and members must register at the Club upon entry and the occupancy registry will be made available for inspection by the Town upon request. □
- 12) Valet parking is required from 6:00 p.m. until closing. The valet stand and car service and taxi drop off and pick up shall be located in the parking lot at 205 Royal Palm Way. Should the Club lose the right to operate a drop off and pick up stand at 205 Royal Palm Way for any reason, the Club will be required to provide an alternative location that is approved by the Town Council, provided, however, that 230/240 Royal Palm Way shall be an acceptable alternative valet pick up and drop off ~~with Town Council approval~~ **for a maximum of 90 days.** There shall be no valet stand on South County Road, in Phipps Plaza, or on Seaview Ave. □

- . 13) The Club must provide off-street parking with a parking lot capacity of at least 68 vehicles accessible to Club valet services, members, guests, and employees from 6:00 p.m to close. Club's valet services shall use the off-street parking lot to park member and guest vehicles. There shall be no parking of member or guest vehicles in the 205 Royal Palm Way parking lot. □
- . 14) No events shall be allowed prior to 6:00 p.m. After 6:00 p.m., no events of more than sixty (60) people shall be allowed. There shall be no more than 1 event per month. An event is defined as an organized member sponsored function for 40 or more people, whether within the confines of the Club property itself, or within Phipps Plaza Park. Said events shall include, but are not limited to, charitable events, rehearsal dinners, wedding receptions, bar mitzvahs, Hanukkah, Christmas or birthday parties. Only a Club member may host an event and 1 off duty police officer shall be required for all events unless an alternative arrangement is recommended by the Town police. The Club is required to maintain records of events and will make such available to the Town upon request. The Club shall be required to keep such records for a period of 12 months. □
- . 15) The Club shall be allowed to remain open until 2:00 a.m. on New Year's Eve. The Club will be required to hire 2 off duty police officers on New Year's Eve, unless an alternative arrangement is recommended by the Town police. A minimum of 6 valets shall be required for events and on New Year's Eve. Maximum occupancy for New Year's Eve shall be 250 be exempt from Paragraph 11 above. □
- 16) In order to preserve the peace and tranquility of the surrounding neighborhood, including Phipps Plaza, Seaview Ave., Seaspray Ave., Seabreeze Ave., and Clark Ave., the Club shall use all reasonable efforts to prohibit Club members, guests, and

employees from parking or using said streets for picking up or dropping off of members and employees from said streets. Said prohibition shall be included in the Club's rule book, which shall provide for such prohibition and penalties for violation of this provision. All Club members will be instructed to a) use the Club provided valet when visiting the Club after 6:00 p.m and b) instruct their guests to use the Club provided valet when visiting the Club after 6:00 p.m. The Club will issue periodic reminders to Club members of this policy.

- . 17) The Club shall obtain and maintain a valet parking permit for one valet stand. A minimum of 4 valets shall be on duty from 6:00 p.m. to closing Thursday to Saturday and a minimum of 3 valets shall be on duty from 6:00 p.m to closing Sunday to Wednesday. The number of valets may be modified by the Police Department should it be determined that more or fewer valets are required to manage the Club parking. Valets will not be permitted to park vehicles in Phipps Plaza or on Seaview Ave., Seaspray Ave., Seabreeze Ave., and/or Clarke Ave. □
- . 18) After 6:00 p.m., all vehicular pick-up and drop-off of all Club members, guests and employees, (including car services, taxis and private vehicles) must occur at the same location as the valet pick up and drop off stands, provided that car services and taxis may drop off and pick up on South County Road. Club Members, valets, and employees will be instructed that vehicular pick-up and drop-off of Club members, guests and employees is expressly prohibited from occurring at the 264 South County Road building entrance/exit. The only exception to the forgoing is that in the event the valet stand is not operating at 205 Royal Palm Way, Club members and guests who are transported to and from the Club by Club-operated golf carts may be dropped off and picked up at the 264 South County Road or 270 South

County Road entrance. In this case, Club-operated golf carts shall be expressly prohibited from driving within the circle of Phipps Plaza, or driving on Seaview Ave., Seaspray Ave., Seabreeze Ave., and/or Clarke Ave. ~~unless giving a member or guest a ride home~~. The Club will issue periodic reminders to Club members, valets, and employees of this policy. □

- . 19) Club employees who drive to work after 6:00 p.m. shall be required to park in the off- street parking lot secured by the Club as detailed in paragraph 13 above or a parking lot or garage at an alternative off-street location. Club employees who drive to work prior to 6:00 p.m. shall be required to park in the Esplanade or Apollo parking lots or a parking lot or garage at an alternative off-street location approved by the town. Employees will be prohibited from parking in Phipps Plaza or on Seaview Ave., Seaspray Ave., Seabreeze Ave., and/or Clarke Ave. Employees shall be required to present proof of day time parking to the Club administrative staff. The Club shall be required to keep such employee parking records for a period of 12 months and make such available to the Town for confidential review upon request. □
- . 20) The lunch seating shall be limited to 67 seats. The total seats after 6:00 p.m. shall not exceed 153. □
- . 21) The Club shall not add lighting to either the 205 Royal Palm Way or 230/240 Royal Palm Way parking lots. □
- . 22) All trash shall be stored inside the Club and will not be taken to the dumpster until after 8:00 a.m. the following day. □
- . 23) The Club shall instruct its delivery services to function without using Phipps Plaza, Seaview Ave., Seaspray Ave., Seabreeze Ave. and/or Clarke Ave. The Club shall instruct its delivery services to use the commercial loading zones at the corner of □ Seaview Ave. and South County Road. Delivery

services will be instructed not to park in Phipps Plaza or on Seaspray Ave., Seabreeze Ave., and/or Clarke Ave. There shall be no Club deliveries or vendor services before 8:00 a.m.

- . 24) The Club shall provide state of the art exhaust vents and scrubbers and shall have them cleaned on a weekly basis. □
- . 25) The Club shall purchase two (2) “street legal” golf carts to aid in valet operations. □
- . 26) The Club shall commit to pay ~~an amount up to~~ a minimum of \$300,000 to beautify Phipps Park according to a plan approved by the Town. □
- . 27) The Club may use Phipps Plaza Park for Club purposes, however, any event within the Park which uses Club services shall be considered a Club event, regardless of the number of participants, and shall be bound to the time constraints and the number of events allowed as stated in paragraph 14. Further, prior to any such event taking place, the Club shall apply to the Town Council for authority to use Phipps Plaza Park for a Club related event with notice to the public being given at least ninety (90) days prior to said event. □
- . 28) Club shall enter into a Construction Management Agreement prior to the issuance of a building permit. Such Agreement shall include a Construction Staging/Logistics Plan which provides for any temporary laydown/storage area and construction dumpster to be located within the Courtyard between the 264 and 270 buildings. Upon commencement of construction, the Club and/or their general contractor will provide Construction Communications via e-mail to the residents of Phipps Plaza, no less than once a week, which include a schedule of the upcoming construction anticipated for the next week. The Club will provide the cellular phone

number of the foreman of the project. Only one delivery truck shall drive through the circle at one time. □ Normal ingress and egress to and from the Plaza interior shall not be impeded.

- . 29) Prior to the issuance of any building permit, copies of the signed lease agreements regarding the Club's right to use the parking lots at 205 Royal Palm Way and 230 Royal Palm Way (or any other off-site parking lot acquired by the Club for its use), including any amendments thereto, will be provided, confidentially, to the Town attorney to confirm the Club's right to use and the termination provisions thereof. The agreements may be redacted to exclude economic terms or other terms unrelated to the Club's right to use the parking lots. □
- . 30) There will be no smoking, drinking or loitering by Club employees within the outdoor courtyard between the 264 and 270 South County buildings or in the outdoor areas surrounding the Club, including Phipps Plaza Park. In addition, the Club will use its best efforts to control the use of the courtyard by Club members and guests so as not to disturb the surrounding residential neighborhood. □
- . 31) Club shall return to the Town Council after 6 months of operation during the period from November 1 through April 30 in order for that the Town Council may to review and consider modifications to this Agreement. The Club is prohibited from seeking revision(s) to this Agreement for a period of 2 years following the date of Club opening with the sole exception of a requested relocation of the valet stand and/or □ parking facility. The Club shall not under any circumstances, including the loss of its parking or valet stand facilities, apply for any revisions to this agreement to allow parking in Phipps Plaza, or on Seaview Ave, Seaspray Ave., Seabreeze Ave., and/or Clarke Ave. Any future requested

revisions to this Agreement will require at least 45 day notice to all property owners within a 750 foot radius. Any Town Council hearing regarding a requested revision(s) to this Agreement will only be conducted between the months of January and May.