



BY-LAW NUMBER 2015-139

A By-law of The Corporation of the City of Barrie to amend By-law 2009-141, a land use control by-law to regulate the use of land, and the erection, use, bulk, height, location and spacing of buildings and structures in the City of Barrie.

WHEREAS the Ontario Municipal Board issued an Order on November 30, 2015 that By-law 2009-141 be amended to rezone Part of Lot 14, Concession 13, former Township of Innisfil; the North Part of Lot 15, Concession 13, former Township of Innisfil; and Part of Water Lot in front of Part of Lot 15, Concession 13 former Township of Innisfil; all now in the City of Barrie, County of Simcoe, municipally known as 200C Dock Road.

NOW THEREFORE the following is enacted:

1. **THAT** the zoning map is amended to change the zoning of Part of Lot 14, Concession 13, former Township of Innisfil; the North Part of Lot 15, Concession 13, former Township of Innisfil; and Part of Water Lot in front of Part of Lot 15, Concession 13 former Township of Innisfil; all now City of Barrie, County of Simcoe, municipally known as 200C Dock Road from Residential Single Detached First Density (R1) to Residential Multiple Second Density with Special Provisions (RM2)(SP-510) in accordance with Schedule "A" attached to this By-law being a portion of the zoning map.
2. **THAT** notwithstanding the permitted uses set out in Section 5.2.1 of By-law 2009-141, permitted uses shall be restricted to a Rest Home in the Residential Multiple Second Density (RM2)(SP-510) zone.
3. **THAT** notwithstanding the definitions set out in Section 3.2 of By-law 2009-141, a Rest Home in the Residential Multiple Second Density (RM2)(SP-510) zone shall mean any building in which persons are harboured, received or lodged, and where, in addition to sleeping accommodations and meals, nursing, medical or similar care and treatment shall be provided but shall not include a hospital.
4. **THAT** notwithstanding the provisions set out in By-law 2009-141, a Rest Home in the Residential Multiple Second Density (RM2)(SP-510) zone may permit separate dwelling units to a maximum density of 50 units per hectare.
5. **THAT** notwithstanding the provisions set out in Section 8.3.1 of By-law 2009-141, a minimum setback of 4.5 metres shall be permitted for the front yard, rear yard and right side yard in the Residential Multiple Second Density (RM2)(SP-510) zone.
6. **THAT** notwithstanding the provisions set out in Section 8.3.1 of By-law 2009-141, a minimum side yard setback of 30 metres from the established waters' edge, as demonstrated on the approved Site Plan, is required for the main building not including attached balconies. No site alteration or development is permitted within the 30 metre setback unless permitted by the Site Plan Agreement for the subject lands in the Residential Multiple Second Density (RM2)(SP-510) zone.
7. **THAT** notwithstanding the provisions set out in Section 4.6.2.6 of By-law 2009-141, construction columns in the structured parking area shall be permitted to encroach into the required minimum width and length of such parking spaces in the Residential Multiple (RM2)(SP-510) zone.

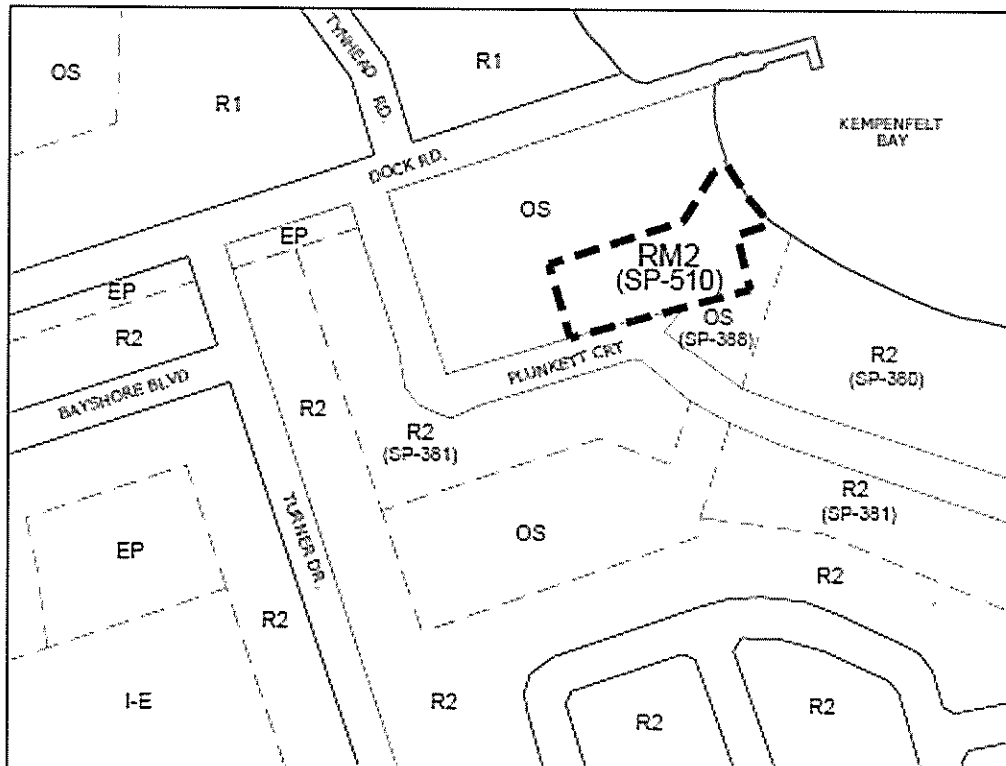
8. **THAT** the remaining provisions of By-law 2009-141, as amended from time to time, applicable to the above described lands as shown in Schedule "A" to this By-law, shall apply to the said lands except as varied by this By-law.
9. **THAT** this By-law shall come into force and effect on November 30, 2015 as per Ontario Municipal Board Order regarding Case No. PL090870.

THE CORPORATION OF THE CITY OF BARRIE

MAYOR – J.R. LEHMAN

CITY CLERK – DAWN A. MCALPINE

Schedule "A"



April 2, 2015

Schedule "A" to attached By-law 2015-

MAYOR – J.R. LEHMAN

CITY CLERK - DAWN A. MCALPINE

Ontario Municipal Board
 Commission des affaires municipales
 de l'Ontario



ISSUE DATE: November 30, 2015

CASE NO.: PL090870

PROCEEDING COMMENCED UNDER subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellant	Joseph Santos
Subject:	By-law No. 2009-141
Municipality:	City of Barrie
OMB Case No.:	PL090870
OMB File No.:	PL090870
OMB Case Name	Santos v. Barrie (City)

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant:	Joseph Santos
Subject:	Request to amend the Official Plan – Refusal of application by City of Barrie
Existing Designation:	Residential Low Density
Proposed Designation:	Residential Medium Density in the Bayshore Secondary Plan
Purpose:	To permit the development of a 3.5 storey building with 24 senior housing units and communal facilities
Property Address/Description:	200C Dock Road
Municipality:	City of Barrie
Approval Authority File No.:	D09- OPA026
OMB Case No.:	PL090870
OMB File No.:	PL130760

PROCEEDING COMMENCED UNDER subsection 41(12) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Referred by:	Joseph Santos
Subject:	Site Plan
Property Address/Description:	200C Dock Road
Municipality:	City of Barrie
OMB Case No.	PL090870
OMB File No.:	PL100148

B E F O R E:

JASON CHEE-HING
MEMBER

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Monday, the 30th day of
November, 2015

THIS MATTER having come on for public hearing, and the Board having issued its decision on January 29, 2015 and withheld its Order finalization and receipt of the final version of the all three planning instruments pending by the parties.

THE BOARD having received the required documents which have been reviewed and agreed to by all parties;

THE BOARD ORDERS the proposed amendment to the Official Plan of the City of Barrie is hereby approved as set out in Attachment "1".

THE BOARD ORDERS the zoning appeal is allowed and By-law No. 2009-141 is amended as indicated in Attachment "2".

THE BOARD FUTHER ORDERS the site plan is hereby approved as reflected in the Attachment "3".



SECRETARY

Ontario Municipal Board

A constituent tribunal of Environment and Land Tribunals Ontario

Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

ATTACHMENT "1"

**AMENDMENT NO. 26
TO THE
CITY OF BARRIE
OFFICIAL PLAN**

Details of the Amendment

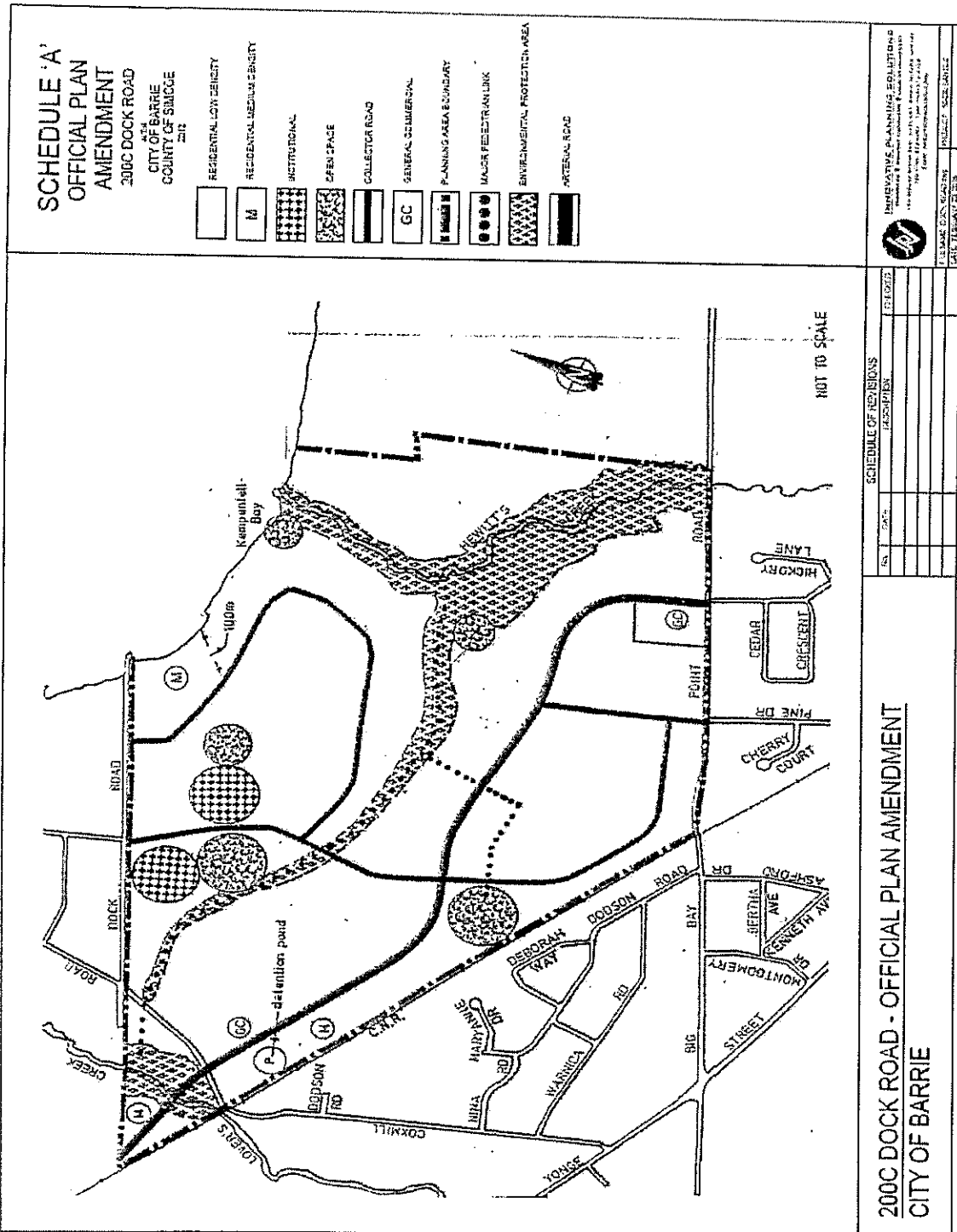
Concept Plan Map 3 of the Bayshore Planning Area Secondary Plan shall be amended by designating the lands known as 200C Dock Road, legally described as Part of Lot 14, Concession 13 Innisfil; North Part of Lot 15, Concession 13 Innisfil and Part of Water Lot in front of Part of Lot 15 Concession 13 Innisfil, now in the City of Barrie to "Residential Medium Density", as shown on 'Schedule A' attached hereto and forming Part of this Amendment.

Implementation

The provisions of the Bayshore Planning Area Secondary Plan regarding the implementation of that Plan shall apply to this Amendment.

Interpretation

The provisions of the City of Barrie Official Plan, Bayshore Planning Area Secondary Plan and the Site Specific Zoning By-law Amendment for the subject lands shall apply in regard to this Amendment.



INNOVATIVE PLANNING SOLUTIONS
CONSULTANTS

1000 SHEPPARD AVENUE EAST
SUITE 1000
SCARBOROUGH, ONTARIO M1S 1T6
TEL: (416) 291-1111
WWW.IPSOLUTIONS.COM

DATE: 04/15/2013
PROJECT: SCHEDULE 'A'

NO.	DATE	DESCRIPTION	BY

200C DOCK ROAD - OFFICIAL PLAN AMENDMENT
CITY OF BARRIE

ATTACHMENT "2"



Bill No. 0000

BY-LAW NUMBER 2015-

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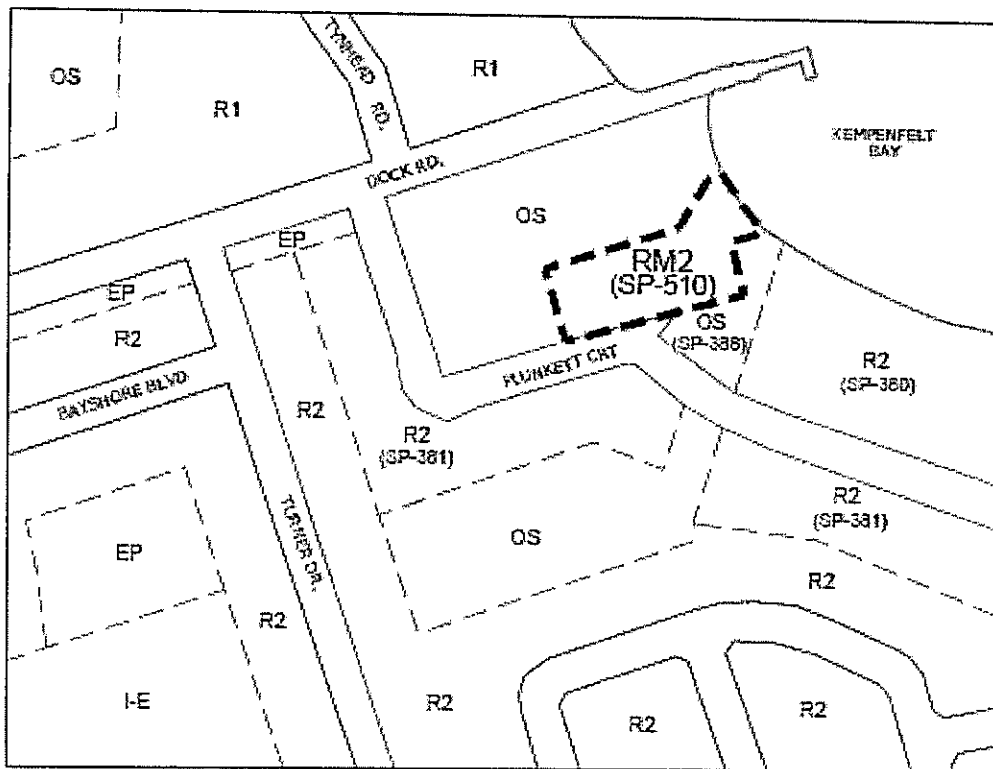
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8. **THAT** the remaining provisions of By-law 2009-141, as amended from time to time, applicable to the above described lands as shown in Schedule "A" to this By-law, shall apply to the said lands except as varied by this By-law.
9. **THAT** this By-law shall come into force and effect Nov. 30/15 as per Ontario Municipal Board Order issued by J. Chee-Hing on Nov. 30/15

THE CORPORATION OF THE CITY OF BARRIE

MAYOR – J.R. LEHMAN

CITY CLERK – DAWN A. MCALPINE

Schedule "A"



April 2, 2015

Schedule "A" to attached By-law 2015-

MAYOR – J.R. LEHMAN

CITY CLERK - DAWN A. MCALPINE

ATTACHMENT "3"

SITE PLAN CONTROL REQUIREMENTS FOR PROCESSING

Ontario Municipal Board decision ~~_____~~ dated Nov. 30/15 has granted Preliminary Approval to Site Plan Application File **D11-1534** located at **200C Dock Road** on lands owned by Advance Tech Developments (Joseph Santos) upon registration of the development agreement for the above noted property to be prepared and completed in accordance with the following requirements:

This approval shall relate to the following plans as amended, if necessary:

	<u>Designer/Architect</u>	<u>Plan No.</u>	<u>Date/Rev.</u>
a) Site Plan	Ian Malcolm Architects Inc.	A1	June 23, 2014
b) Building Elevations	Ian Malcolm Architects Inc.	A1.2	Jan. 4, 2013
c) Landscape Plan/Details	Catherine H. Kirk Ian Malcolm Architects Inc.	L1/L2	Sept. 24, 2010
d) Tree Inventory/Preservation Plan	Catherine H. Kirk Ian Malcolm Architects Inc.	L3	Sept. 24, 2010
e) Site Servicing	Pearson-McCuaig Engineering	SS-1	Aug. 7, 2010
f) Erosion Control Plan	Pearson-McCuaig Engineering	EP-1	Aug. 7, 2010
g) Site Grading	Pearson-McCuaig Engineering	SG-1	Aug. 7, 2010
h) Stormwater Management Plan	Pearson-McCuaig Engineering	STM- 1/STM-2	Aug. 7, 2010

A conditional permit under Subsection 8(3) of the *Building Code Act* may be considered on its individual merits prior to the registration of a development agreement provided that in addition to the requirements under the Ontario Building Code the owner/owner/applicant shall:

- agree in writing to satisfactorily address all conditions listed below;
- provide all required securities;
- provide all required administration fees, payment of costs associated with the preparation of a development agreement;
- provide a clearance letter or permit from the applicable conservation authority if required;
- comply with zoning by-law requirements;
- pay all applicable fees (i.e. building permit, cash in lieu of parkland, City of Barrie Act, development charges).

Prior to the appointed officer recommending that the City Clerk execute the Site Plan Agreement, the following requirements shall be satisfied and/or addressed:

Revisions

- A. That the plans be amended to reflect the following:
- i) That the site plan drawings be amended to incorporate a pedestrian sidewalk and identify pedestrian paths, sidewalks, walkways and amenity areas that are designed for universal access. An accessible landing is also required at the barrier free entrance door.
 - ii) That in accordance with the stated intent of the owner/applicant, the site plan drawings be amended to consistently identify the proposed use as a Rest Home defined by Site Specific Zoning RM2(SP-510).
 - iii) That the owner/applicant prepare and submit a detailed Floor Plan to confirm the use of the property, minimum floor area requirements, and proposed occupancy for parking calculations.
 - iv) That the site plan drawings be amended to identify the proposed snow storage areas.
 - v) That the owner/applicant investigate the removal of a portion of the surface parking area to reduce the impact on the existing vegetation on and adjacent to the property boundaries.
 - vi) That the site plan drawings be amended as necessary to reflect the updated Landscape Plan including but not limited to tree preservation and reducing the impact on boundary trees.

- vii) That the site plan drawings be amended as necessary to reflect the Shoreline Improvement/Restoration Plan.
- viii) That the site plan drawings be amended as necessary to conform to the Engineering Department's technical requirements and current standards as identified in their comments dated October 28, 2010, November 26, 2010 and pending future circulations.

Engineering

- B. The proposed development is located adjacent to the Lakeside Cove Plan of Subdivision (Registered Plan 51M-928). Provisions for servicing the subject property were included within this plan of subdivision and, therefore, must conform to the overall approved subdivision design with respect to perimeter lot grading, water distribution and sanitary drainage. Any deviance from the approved subdivision design will require approval by the Engineering Department.
- C. The proposed access shall be designed with a minimum throat width of 6.4 metres and an asphalt return radius of 5.0 metres. All sight lines must be free of potential obstructions such as buildings, parking, signs or vegetation.
- D. The municipal boulevard fronting the development shall be graded in accordance with City of Barrie Standards (2% minimum, 7% maximum slope – see BSD-01).
- E. The owner/applicant will be required to provide stormwater quality controls as per the Ministry of the Environment's Stormwater Management Practices and Design Manual, Enhanced Protection Level. The quality requirements must also include conformity with the LSRCA's Assimilative Capacity Study for Phosphorus Removal in addition to the MOE's Enhanced Protection Levels.
- F. The setback for development along the shoreline of Lake Simcoe has been established at 30 metres to the main building as demonstrated on the Site Plan. The owner/applicant will be required to submit and implement a Shoreline Improvement/Restoration Plan for the 30 metre buffer area to the satisfaction of the Lake Simcoe Region Conservation Authority (LSRCA) and the City of Barrie. No site alteration or development is permitted in the 30 metre setback unless approved and/or recommended by LSRCA and the City of Barrie
- G. The owner/applicant will be required to provide a geotechnical investigation report in support of this development. This report must address groundwater levels and any impact those levels may have on the proposed building foundation.
- H. In accordance with the cost sharing agreement among the owners in the Bayshore and Innis Shore Planning Areas for the construction of the Hewitt's Creek Trunk

Sewer, the owner/applicant is required to provide written acknowledgement from the Trustees of the Bayshore/Innis Shore Landowners Group that they are in good standing with respect to cost sharing obligations.

- I. The owner/applicant will be required to pay his proportionate share of the road improvement and servicing costs to the Melia Corporation or must make satisfactory arrangements with the Melia Corporation to secure the payment of those costs.
- J. The owner/applicant will also be required to pay his proportionate share of the Tynhead Road sewer improvement costs to the Melia Corporation or must make satisfactory arrangements with the Melia Corporation to secure the payment of those costs.
- K. The owner/applicant will be responsible for the decommissioning of the existing on-site well and septic system, all in accordance with the Ministry of the Environment regulations.
- L. The owner/applicant will be required to provide a Water Service Analysis Report that effectively addresses water quality and fire protection.
- M. The owner/applicant will be required to provide a Sanitary Service Analysis Report that identifies that the existing sanitary service is adequate in size to support this development.
- N. The previously submitted Stormwater Management Report by Pearson-McCuaig Engineering Ltd., dated June 2009, is to be updated as follows:
 - i) Page 1, Section 1 indicates that the subject site was shown in Figure 1; however, Figure 1 was not included in the report;
 - ii) The site location shall be identified with its proper municipal address and legal description;
 - iii) Page 1, Section 1.1. indicates that the building area is 903 square metres which does not match the architectural drawing; please verify;
 - iv) Appendix B shows a table for Total Suspended Solids (TSS) Removal; however, it is not clear what the referred unit is. Note that the stormwater management report shall include the design report and operational and maintenance manual for the proposed CDS unit that bears the stamp of a professional engineer that is employed by the manufacturer;

- v) Drawings appended to the stormwater management report shall be updated with the most recent approved version, and dated and sealed by the responsible engineer; and
 - vi) The SWM Report shall also be submitted in PDF format with all supporting documents, calculations and drawings.
- O. The owner/applicant will be required to retain an experienced civil consulting engineer to provide the design, inspection, and certification of the installation of water and sanitary servicing for the proposed development, all to an appropriate connection/outlet. Detailed water servicing requirements are available through the Engineering Department.
- P. The owner/applicant will be required to retain an experienced civil consulting engineer to provide the design, inspection, and certification of the installation of the storm servicing works including parking lot construction and grading, all to the satisfaction of the Engineering Department.
- Q. Before any site alteration within the subject property, the owner/applicant or their agents will apply for a Site Alteration Permit, as described within By-law 2006-101. Prior to the commencement of any works within the site, all requirements, obligations, and control measures, as described within By-law 2006-101 will be in place and undertaken to the satisfaction of the City of Barrie. Furthermore, it will be the owner/applicant's responsibility, through his professional consultant to maintain the said work for the duration of the subject property.
- R. The water distribution system within the limits of this site plan is privately owned and shall be maintained by owner/applicant, and any hydrant installed on-site shall be deemed privately owned. All hydrants have to be maintained as per fire code/insurance requirements
- S. The owner/applicant will be responsible for obtaining a Right-of-Way Activity Permit prior to the commencement of work on the municipal right-of-way.
- T. That the drawings be revised as necessary to reflect the Digital Data Control Requirements. That the drawings be processed in digital format using UTM (Zone 17) NAD83 datum (76 adjustments).
- U. That an Electrical Site Plan be submitted and the owner/applicant agree and understand that all site lighting shall be arranged to deflect light away from adjoining properties and adjoining streets, and which will require full cut-off fixtures for exterior parking lot lighting and fully shielded fixtures for wall mounted exterior lighting. Shielded shall mean that 100% of the lumens emitted from the light fixture are projected below an imaginary horizontal plane passing through the highest

point on the fixture from which light is emitted; all to the satisfaction of the Engineering Department.

PowerStream Inc.

- V. That the owner/applicant comply with all requirements of PowerStream Inc. (PowerStream Barrie Hydro Distribution) as related to electrical servicing for the development, as stated in their "Conditions of Service" document.

Parks

- W. That the fencing detail be revised such that the actual BSD-21 detail be inserted, and its application must reference the north boundary, in addition to the south and west boundaries. Note that these fences are required per Council approved policy, and aligned such that the terminal posts are inset 75mm onto City owned lands.
- X. That upon lot access and servicing being connected to the subject property from the Plunkett Court, the owner/applicant be responsible for the removal of the easement road, fencing and entry features, overhead servicing and poles from the municipal lands, and restore with 200mm depth of topsoil and sod.
- Y. The owner/applicant will be required to retain a qualified Landscape Architect (and Arborist as applicable) to provide the design, inspection and certification of all landscape works, all to the satisfaction of the Parks Planning Section.
- Z. That the owner/applicant submit an Inventory/Assessment by a qualified consultant (or Arborist as applicable), of all existing vegetation and natural features on and adjacent to the site, with preservation recommendations and details to be approved and coordinated with the application for a Site Alteration Permit, and or Grading Plan submissions, all to the satisfaction of the Parks Planning Section.
- AA. That the landscape plans be amended, as required, to reflect recommended revisions concerning landscape areas, treatments, planting densities, screening/fencing, outdoor amenity spaces, site furnishings and pedestrian linkages, in accordance with the City of Barrie Urban Design Manual, all to the satisfaction of the Parks Planning Section.
- BB. That the owner/applicant provide a letter of clearance pertaining to the Endangered Species Act that demonstrates that the site is clear of any flora or fauna identified under the act. The letter must be received prior to the

commencement of any site works and as a condition of registration. In the event the site contains any endangered species it is the responsibility of the owner/applicant to contact both the City of Barrie and the Ministry of Natural Resources and to take appropriate action.

Financial

- cc. That the owner/applicant pay the required cash deposits, securities and administration fees associated with site plan development for the following:
- i) Letters of credit in the approved format for appropriate works (such as drainage, servicing, grading and landscaping) within the boundaries of the site plan, equal to 50% of the value of those works (to a maximum of \$500,000 and a minimum of \$10,000) to the satisfaction of the Engineering Department;
 - ii) Letters of credit in the approved format for municipal works (such as roads and servicing) outside of the site plan boundary, equal to 100% of the value of works to the satisfaction of the Engineering Department;
 - iii) Proof of the owner/applicant's general comprehensive liability insurance policy in the amount of \$5,000,000 naming the City of Barrie as an additional insured;
 - iv) Administration fees for the review and inspection of site servicing and landscaping works equal to 5% of the estimated cost of site servicing (minimum \$1,000) and 5% for landscaping (minimum \$500) plus applicable taxes;
 - v) Any water service charges arising out of, or attributable to the development of the site plan including tapping fee and water meter payment;
 - vi) Cash deposit for road clean-up associated with the site construction (\$2,000 refundable deposit made payable to the City of Barrie);
 - vii) A retainer in the amount of \$4,000 payable to Legal Services Department, City of Barrie, for legal and administration fees associated with the preparation and registration of the site plan agreement (additional fees may be required);
 - viii) Administration fees of \$1,875 associated with the City of Barrie Legal Services Department.

Planning and Building

- DD. That all sign locations be identified on the plans and details be provided and be in compliance with the City of Barrie Sign By-law 2005-93.
- EE. That the applicant/agent ensure that all plans are consistent throughout.
- FF. That the plans conform to all provisions of the City's Comprehensive Zoning By-law or approval by the Committee of Adjustment for any variances be granted.
- GG. That the owner/applicant agrees to the dedication of, or cash-in-lieu payment of parkland in accordance with the Planning Act, if applicable, in a manner satisfactory to the Parks Planning and Development Section and the Building Services Department.
- HH. That the owner/applicant be responsible for obtaining the necessary approvals from any other applicable agency, if and as may be required.
- II. That the fire access route conforms to the Ontario Building Code and that the owner enter into a fire route agreement, if required.
- JJ. That the owner/applicant agree and understand that all garbage and recycling containers are to be kept inside the building(s) in an appropriate garbage room or externally within an enclosure constructed of materials similar to that of the main building and screened from public view, otherwise the City shall act as the owner's agent and will have the containers removed at the owner's expense.
- KK. That all roof top mechanical devices be identified on the plans and shall be screened from public view by way of roof top location or by way of a parapet building extension to the satisfaction of the Planning Services Department.
- LL. That prior to the registration of the site plan agreement, the owner/applicant shall provide the Planning Services Department with the written confirmation that all conditions of PowerStream Barrie Hydro Distribution, the Parks Planning & Development Section, Engineering, Fire Services, Building Services and the Planning Services Departments have been completed to their satisfaction.
- MM. That the final plans (4 complete plan sets and 3 engineering plan sets) be approved by the appointed officer and attached as schedules to the Site Plan Agreement. All final plans are to be stamped and signed by the associated professional consultant and a digital copy (high quality PDF without security settings) is to be provided prior to the registration of the Site Plan Agreement.
- NN. The Site Plan Control Requirements shall remain in effect for a period of two (2) years from the date of conditional site plan approval following which a subsequent application may be required.

- OO. That if an application for a building permit has not been applied for within five (5) years of conditional site plan approval, the owner/applicant must apply, prior to the expiration of the five (5) year period, and receive an extension to this approval subject to a detailed review and potential revisions to the conditions based on the City's current standards.