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# ***CBRM***

***Cape Breton Regional Municipality***

*A Community of Communities*



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## **REQUEST FOR EXPRESSION OF INTEREST**

**CBRM\_EOI02-2022**

**REDEVELOPMENT OF FORMER BALLFIELD/PLAYGROUND**

**Closing: Monday, February 27, 2023 at 2:00 pm local time**

Cape Breton Regional Municipality

Procurement Section

[Purchase@cbrm.ns.ca](mailto:Purchase@cbrm.ns.ca)



Cape Breton Regional Municipality

PROCUREMENT SECTION, FINANCIAL SERVICES

320 ESPLANADE, SUITE 102

SYDNEY, NS B1P 7B9

PHONE: 902-563-5015 EMAIL: [purchase@cbrm.ns.ca](mailto:purchase@cbrm.ns.ca)

**MANDATORY REQUIREMENT CHECK LIST**

**PRIOR TO SUBMISSION PLEASE CHECK THAT YOU HAVE SUBMITTED A COPY OF THE FOLLOWING DOCUMENTS**

- SCHEDULE "A" – MUNICIPAL BY-LAW COMPLIANCE CERTIFICATE
- SCHEDULE "B" – TRADE AGREEMENTS ACKNOWLEDGEMENT
- SUBMISSIONS FOR THIS EXPRESSION OF INTEREST WILL ONLY BE ACCEPTED BY EMAIL TO [PURCHASE@CBRM.NS.CA](mailto:purchase@cbrm.ns.ca) & MUST INCLUDE ALL ITEMS LISTED UNDER THIS CHECK LIST
- RECEIVED ADDENDA NO. \_\_\_\_\_ TO NO. \_\_\_\_\_ INCLUSIVE WERE CAREFULLY EXAMINED

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DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

COMPANY NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY/ PROVINCE: \_\_\_\_\_ POSTAL CODE: \_\_\_\_\_

PHONE NO.: \_\_\_\_\_ FAX NO.: \_\_\_\_\_

EMAIL ADDRESS: \_\_\_\_\_

WEBSITE: \_\_\_\_\_

CONTACT NAME (please print): \_\_\_\_\_

TITLE (please print): \_\_\_\_\_ PHONE NO.: \_\_\_\_\_

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**THE FOLLOWING INFORMATION MUST BE COMPLETED TO ENSURE ACCEPTANCE.**  
**FAILURE TO COMPLY WITH ABOVE WILL RESULT IN DISQUALIFICATION OF YOUR BID.**



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### **INSTRUCTIONS TO BIDDERS**

#### **REQUEST FOR EXPRESSION OF INTEREST CBRM\_EOI02-2022**

**Closing:** Submit to the undersigned up to 2:00 P.M., **MONDAY, FEBRUARY 27, 2023**, the bid must be emailed to [purchase@cbrm.ns.ca](mailto:purchase@cbrm.ns.ca) and must clearly designate **CBRM\_EOI02-2022**.

**NOTE: FAXED / PAPER submissions are NOT acceptable and will not be considered**

**Questions & Clarifications:** Any clarification required by a proponent must be requested in writing to the responsible Buyer indicated in the Solicitation. Such requests must be provided in due time before the closing date in order to allow proper consideration and a reply. The response to a request for clarifications submitted by any Proponent will be posted on the Nova Scotia Government Website as an Addendum.

**Withdrawal or Modification of Bid:** Proponents may withdraw, replace or modify their bid up until the specified closing time, provided that this is done in writing. Any modification or replacement of a bid must be done in the same format as defined in the Solicitation. **NOTE: FAXED / ELECTRONIC modifications are acceptable**

**Addenda:** All addenda must be acknowledged in bid submission; proponents must monitor the Nova Scotia Government Tenders Website for any addenda that may be issued. CBRM staff no longer maintains plan takers lists, and no longer have knowledge of who has downloaded opportunities.

<http://www.novascotia.ca/tenders/tenders/ns-tenders.aspx>

**Rectification Period:** Procurement opens and reviews the Bids to determine if all mandatory submission requirements have been met in accordance with the Solicitation Document.

If the bid fails to meet the mandatory submission requirements, Procurement will notify the Bidders that there is a second opportunity to meet the mandatory submission requirements within the rectification period of two business days. Once the rectification period deadline passes, Bids still failing to meet the mandatory submission requirements are disqualified and will not be evaluated further. All bids satisfying the mandatory submission requirements are then passed along to the evaluation team for further evaluation. Exceptions to this are technical addenda, if a technical addendum is not acknowledged, the Bidder will be disqualified and there is no rectification allowance for incorrect submittal of a two-envelope submission (two PDFs due to Covid-19), or for failure to include a required bid deposit.

#### **TENDER CONTENTS:**

**(Section Applies to: Construction Contracts, Services & Sale of Municipal Property ONLY!)**

**Bid Security:** Each tender must be accompanied by a certified cheque payable to the Cape Breton Regional Municipality or a Bid Bond on CCDC Form 220 for ten (10) percent of the tendered sum. *Any withdrawal of the successful tender shall constitute forfeiture of the bid deposit.*

**Performance Security:** A Performance Bond in the amount of fifty (50) percent contract price and Labour and Material Payment Bond in the amount of fifty (50) percent of the contract price will be required upon notification of award and before the signing date of the contract or issue of the Purchase Order.

**Alternate Securities Acceptable:** As an alternate to the Security Deposit and the Consent of Surety requirements stated herein, Contractors may submit a ten (10) percent bid security certified cheque, and subsequently upon notification of award, an additional ten (10) percent contract security certified cheque, in lieu of contract stated bonding.



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**Accompanying Documents:** All bids must include the following documents: : (*Please note that only what is listed on the Mandatory Check List is required for this particular solicitation*)

- **“Check List”** Completed in full /Signed /Dated(Including acknowledgement of addenda)
- The signed **Schedule “A”** Municipal By-Law Compliance form attached to the tender documents.
- The signed **Schedule “B”** Trade Agreement Acknowledgement form attached to the tender documents.
- A letter of Good Standing/Clearance from the Workers’ Compensation Board of Nova Scotia
- Proof of current and valid Workplace Safety Certificate of Recognition (COR) from an authorized institution (East Coast Mobile Medical, HSE Integrated Limited, Nova Scotia Construction Safety Association (NSCSA), Nova Scotia Trucking Safety Association, Occupational Health and Educational; Services 2002 Inc, Safety Services Nova Scotia or equivalent)
- Completed/signed **Appendix “A”** Consultant, Contractor, Supplier Health & Safety Questionnaire.
- General liability insurance.

**Prior to Contract Award – In accordance with section nine (9) of the CBRM Procurement Policy, the successful tenderer may be required to provide an approved Commercial Property Zoning Confirmation, issued by CBRM’s Development Officer, prior to award of contract.**

Following completion of the tendered work, letters of clearance from both organizations, dated no earlier than the final day worked on the project, must be submitted with the final invoice for the project. This will form a condition of the tender in addition to any other conditions within the contract documents and specifications.

**POLICY:**

- Canadian Free Trade Agreement (CFTA) and The Cape Breton Regional Municipality Procurement Policy are the governing documents used for all tenders. Copies of these documents are available from the Financial Services Department, Procurement Section, Suite 102, 320 Esplanade Sydney, N.S. or by phoning (902) 563-5015.
- Successful bidder will be required to follow CBRM protocol as designated by Purchasing Department for delivery and invoicing.
- Payment: Any supplier having an account due to the Cape Breton Regional Municipality, which is in arrears, will have such arrears deducted from payments being made to the supplier.

The Cape Breton Regional Municipality reserves the right to reject any or all tenders or to accept any tender or part thereof considered to be in its best interest.

*Emily Neville*

Emily Neville, Procurement Officer - Financial Services

(P) 902-563-5015 (E-Mail) [purchase@cbrm.ns.ca](mailto:purchase@cbrm.ns.ca)



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**SCHEDULE "A"**

**MUNICIPAL BY-LAW COMPLIANCE CERTIFICATE**

This document forms part of and is incorporated into the Tender. Bidders convicted of violations of any Cape Breton Regional Municipal By-Laws or found in contravention of the Dangerous and Unsightly Provision of the *Municipal Government Act*, S.N.S. 1998, c. 18 shall be precluded from bidding on the tender. Successful bidders who subsequently are found guilty of violation of any Cape Breton Regional Municipal By-Laws or are found to have contravened the Dangerous and Unsightly Provision of the *Municipal Government Act* S.N.S. 1998, c. 18 shall have the tenders revoked and shall be precluded from bidding on subsequent tenders for a period of thirty-six months.

\_\_\_\_\_ (hereinafter referred to as "The Bidder") does hereby certify that the Bidder has not been found guilty of violation of any Cape Breton Regional Municipal By-Laws and has not been found to have contravened the Dangerous and Unsightly Provision of the *Municipal Government Act* S.N.S. 1998, c. 18 and furthermore hereby agrees to comply with all Cape Breton Regional Municipal By-Laws and the Dangerous and Unsightly provision of the *Municipal Government Act*, S.N.S. 1998, c. 18. The Bidder understands and agrees that any finding of guilt or contravention of any Cape Breton Regional Municipal By-Laws and provisions will result in the Tender being revoked and the Bidder being precluded from bidding on any subsequent Tender for a period of thirty-six months.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Bidder

**CBRM INTERNAL USE ONLY**

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**Approved by:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**Date:** \_\_\_\_\_



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## SCHEDULE "B"

### TRADE AGREEMENTS ACKNOWLEDGEMENT

All Public Sector Entities in Nova Scotia have trade agreement obligations under the Public Procurement Act. Trade agreements play a vital role in our economy. They create market access for our goods and services by reducing barriers to, among other things, labour mobility, investments, energy, agriculture, and government procurement. Agreements can be comprehensive, covering a number of different issues, or more concentrated, covering individual issues. Each agreement has unique language, exemptions, rules, and requirements.

Municipalities, Academic Institutions, School Boards, Health Authorities (MASH) and Crown Corporations that have their own procurement groups and policies must ensure they are consistent with the principles of the Province of Nova Scotia Procurement Policy, and the obligations of the Public Procurement Act.

Trade Agreements that impact government procurement in Nova Scotia include the Canadian Free Trade Agreement (CFTA) and the Comprehensive Economic Trade Agreement with the European Union (CETA). The CFTA and CETA includes all provinces, Northwest Territories, Yukon, and the Federal Government as well as their respective MASH sectors and Crown Corporations.

The key to being compliant with multiple trade agreements is to ensure you are meeting the obligations of the one with the lowest thresholds, which in this case is the CFTA. Table A outlines the thresholds for these two agreements.

**TABLE A – Domestic Agreement**

<b>Agreement</b>	<b>Coverage</b>	<b>MASH</b>
Canadian Free Trade Agreement	Equal access to Canadian suppliers. Includes all CDN Provinces, NWT, YUK, their respective MASH and Crowns, and the Federal Government	Goods: \$105,700+ Services: \$105,700+ Construction: 264,200+
Comprehensive Economic Trade Agreement with the European Union	Equal access to EU suppliers – includes: Federal Government, Provinces, Territories, MASH, Provincial/Federal Crowns & Public Utilities (many exceptions)	Goods: \$365,700+ Services: \$365,700+ Construction: \$9.1M+

\_\_\_\_\_ (hereinafter referred to as "The Bidder") does hereby acknowledges the understanding that this tender falls under the Domestic Trade Agreements. As part of these agreements and under the Nova Scotia Public Procurement Act, CBRM is included as part of the MASH Sector. This document forms part of and is incorporated into the Tender.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Bidder

# **REDEVELOPMENT OF FORMER BALLFIELD/PLAYGROUND CALL FOR EXPRESSIONS OF INTEREST**

## **1.0 Background**

The Cape Breton Regional Municipality is the owner of the property located at Welton Street, Sydney, Nova Scotia. The property contains approximately 5 acres of land and is centrally located on the main commercial artery of Sydney.

The property has been deemed surplus to the needs of the Municipality. The Municipality is interested in providing an opportunity for potential development of the property. The Municipality is now seeking for expressions of interest from developers interested in the municipal owned property in Sydney.

## **2.0 Description of Lands**

The land that is the subject of this call for expressions of interest **is a portion** of land identified on Nova Scotia's Property Online data base system as PID 15126667 and outlined in red on Attachment "A". Subject to subdivision of the property to create a new lot as shown outlined in red on attached map in Attachment "A" herein and relates to this Expression of Interest.

## **3.0 Zoning**

Permitted uses outlined in Attachment "B"

Please note, the Planning and Development Department is in the midst of reviewing CBRM's Municipal Planning Strategy and Land Use By-law; therefore, zoning provisions are subject to change. If you have questions on permitted uses, contact the Planning and Department at [PlanningConsult@cbrm.ns.ca](mailto:PlanningConsult@cbrm.ns.ca).

## **4.0 Submissions**

Submissions must include the following components:

- (1) A concept plan that shows the approximate locations and sizes of new building(s), parking spaces, green areas, related to the proposed development together with a written description of the concept, prepared by the applicant, outlining the overall development and conceptual design.

- (2) A preliminary outline of costs associated with development, including an approximate timeline.
- (3) Background information on the applicant and any partners involved, including business/educational experience (particularly with land development) and/or relevant experience with similar projects.
- (4) Confirmation from the Registry of Joint Stock of registration status.

## **5.0 Process**

Expressions of interest received by the CBRM will be reviewed to ensure that they comply with the submission requirements in Section 3.0. Following that review, the Municipality will determine which proposal(s) will positively impact the community in providing better services as a result of a new use on the property, and which proposal demonstrates the greatest benefit for the Municipality, balanced with economic and social development objectives of the Municipality. The potential for development on the site to generate economic activity elsewhere in the municipality will also be considered, not just the benefits of the development proposed for this specific site. Staff will review all submissions and make a recommendation to council for the proposal deemed to be the most beneficial and likely to generate the greatest economic and/or social benefit to the municipality. Development proposals consisting of commercial development and/or a mix of affordable and for market housing will be given the highest priority.

## **6.0 Acceptance of Expression of Interest (EOI)**

This EOI should not be construed as an agreement to sell the land. The CBRM is not bound to enter into an Agreement of Purchase and Sale with who submits the best valuation or with any applicant(s) submitting an EOI. The CBRM will be under no obligation to receive further information, whether written or oral, from any applicant. Neither acceptance of an EOI will constitute approval of any activity or development contemplated in any proposal that requires any approval, permit, or license pursuant to any federal, provincial, or municipal statute, regulation, or bylaw. The acceptance of a development proposal for the purpose of sale does not constitute the issuance of a Building Development Permit. The CBRM has the right to waive any irregularity or insufficiency in any EOI submitted.

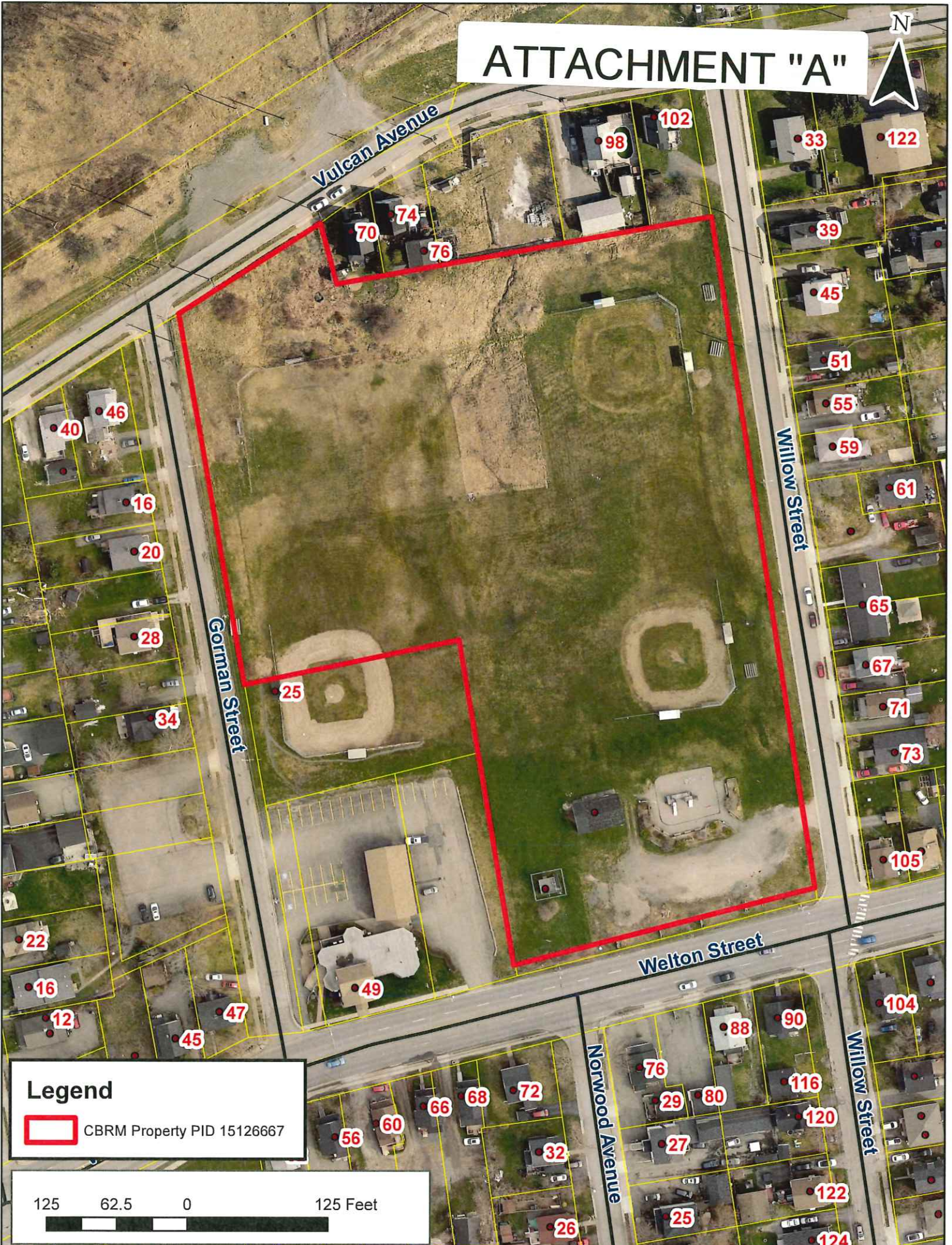


## **7.0 Municipal Rights**

The CBRM rights include, but are not limited to:

- The right to take any action deemed most advantageous by retaining any or none of the applicants.
- The right to request further information or clarification to the document submitted.
- The right to amend or cancel this request for expression of interest at any time and at their sole discretion.
- The right to directly enter into an Agreement of Purchase and Sale in the event they are the only party to respond to this EOI.
- The right to issue a Request for Proposals or other procurement document for the provision of the sale of the property.

# ATTACHMENT "A"



Vulcan Avenue

Willow Street

Gorman Street

Welton Street

Norwood Avenue

Willow Street

## Legend

 CBRM Property PID 15126667

125 62.5 0 125 Feet



# Attachment B

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## PART 5                      ARTERIAL BUSINESS CORRIDOR (ABC) ZONE

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### Section 1                      ABC Uses Permitted

Development Permits shall only be issued in the ABC Zone for one or more of the following uses in compliance with any relevant section of the General Provisions Part, and any specific section of this Part devoted to the use.

- **agricultural uses on the same site as an agricultural products manufacturer**
  - **manufacturing - only the following**
    - agricultural products processing
    - alcohol processing
    - assembly
    - bakeries
    - building supplies manufacturing
    - garment manufacturing
    - manufacturing chemicals
  - **recreational – (all) both public and business establishment *except racetracks for motor vehicles and campgrounds***
  - **residential development – (all)**
    - apartment buildings *only in areas serviced with both Municipal water and sewer*
    - apartments within a mixed used building *only in areas serviced with both Municipal water and sewer*
    - mobile homes
    - single detached dwellings
    - two unit dwellings
    - townhouses *only in areas serviced with both Municipal water and sewer*
  - **sales – (all)**
  - **service *all except***
    - animal shelters are not permitted in areas serviced with both Municipal water and sewer
    - recycling facility using outdoor storage
  - **transportation – (all) *except coal retail distribution facilities***
- 

### Section 2                      ABC Lot Parcel Development Requirements

- a. All permitted uses in the ABC Zone are subject to the higher of either:  
    the lot parcel development requirements in the General Provision Part; or  
    the lot parcel development requirements in the Table below

Minimum public street/road required boundary	150 feet ( <i>see Conversions and New Construction below for explanation of provisions</i> )
Minimum building setback for conversion to, new construction of, or additions to non-residential developments	10 feet from a boundary shared with a property within the ABC Zone where the main use is residential. Refer to Section 8 if the residential property is in another Zone.

**b. Conversions and New Construction**

1. The 150 foot minimum public street/road frontage provision is in effect for the following types of development if any driveway access is to be provided to the public streets/roads listed at the end of this Section:
  - the conversion\* of existing residential buildings into an apartment building or any other non-residential use; or
  - the construction of any new main buildings, with the exception of a one single unit dwelling and one two-unit dwelling, unless it is the reconstruction of an existing building in compliance with the relevant general provision; or
  - the establishment of any new business development land use (e.g. car sales lot, paid parking lot); and
  - the expansion of any other non-residential use, except very minor extensions to comply with Building Code, Fire Code and building accessibility improvements.

\* For purposes of this Section, when used to describe a change in the scale of a non-residential use within a multi-use building where the main use is residential, the word “conversion” shall mean when a non-residential use will exceed the floor area devoted to the residential use.

2. Exception to this Provision  
The 150 ft. provision of this Section may be waived where two or more adjacent lot parcels share the same entrance/exit ramps provided:
  - the boundaries of the lot parcels affected that are shared with the public street/road boundary shall have a combined length of at least 150 ft.;
  - an easement describing the entrance/exit ramp and any driveway leading to the adjacent lot parcel(s) serviced by the entrance/exit ramp is included in the deed description of the lot parcel(s) on which the easement is/are over; and
  - the present owners of the lot parcels benefiting from this provision provide an affidavit or restrictive covenant relinquishing any rights for additional public street/road entrance/exit ramps to their property.

**3. Public streets/roads** affected by the conversions and new construction frontage provisions  
Kings Road Sydney and Sydney River  
Prince Street Sydney  
Welton Street Sydney  
Grand Lake Road  
Keltic Drive  
Reserve Street Glace Bay; and  
King Street North Sydney

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**Section 3                      Off-site/off-public street/road parking**

The parking requirements correlated to the type and scale of any sales or service may be met at an off-site/off-public street/road site for any development located on a lot parcel fronting along the **sector of Prince Street between Disco and Mechanic Streets** provided:

it is within 500 feet of the pedestrian entrance to the sales or service building being served; and the distance traveled from the parking lot to the business being served does not require crossing a Level 1 or Level 2 public street/road in the CBRM hierarchy. These public streets/roads are listed in Schedule "A".

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#### **Section 4                    Apartments and Townhouses**

The density requirement correlating the number of apartments with the size of the lot parcel on which the development is to be located in shall be:

- 1 dwelling unit per 1,000 sq. ft. of land on the lot parcel for an apartment building or mixed use building with apartments; and
  - 1 dwelling unit per 1,000 sq. ft. of land on the lot parcel for a townhouse.
- 

#### **Section 5                    Outdoor Display and Storage**

- Outdoor display is permitted.
  - Outdoor storage shall only be permitted to the rear of all main buildings and screened from any pedestrian sidewalk.
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#### **Section 6                    Landscaping Provisions**

There is no requirement to provide a minimum landscaped open area. However, all exposed ground shall comply with the definition of this By-law for landscaped open area.

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#### **Section 7                    Special Provisions for Reserve Street in Glace Bay**

A Development Permit for a non-residential use shall only be issued in the sector of Reserve Street within the ABC Zone after the Development Officer has received the following:

- a site plan illustrating motor vehicle off-public street/road cross connections between adjacent properties in the parking area;
  - a site plan illustrating no more than one driveway unless a report is included prepared by a traffic engineer advocating that two driveways are warranted based on traffic volumes; and
  - in the opinion of the Traffic Authority, no other aspect of the proposed development compromises the CBRM's ability to implement the recommendations of the Reserve Street Traffic Study (December 2003).
- 

#### **Section 8                    Screening Provision adjacent Residential Zones**

Any:

- new construction of a business development or its accessory parking area; or
- expansion of existing business development including buildings and/or parking area on a parcel of land:
  - a. abutting a parcel of land occupied by a residential development; or

- b. on the directly opposite side of a Level 5 public street/road from a lot parcel with a residential development ;

where scenario “a” or “b” is within a zone with the word “Residential” in it, shall be screened (as defined in the Definitions Part of this By-law) from the residential property unless all aspects of the business development are more than 100 feet from the boundary of either the abutting residential lot parcel, or the residential lot parcel directly across the public street/road.

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### **Section 9 Prohibiting the use of mobile homes for any use in this Zone**

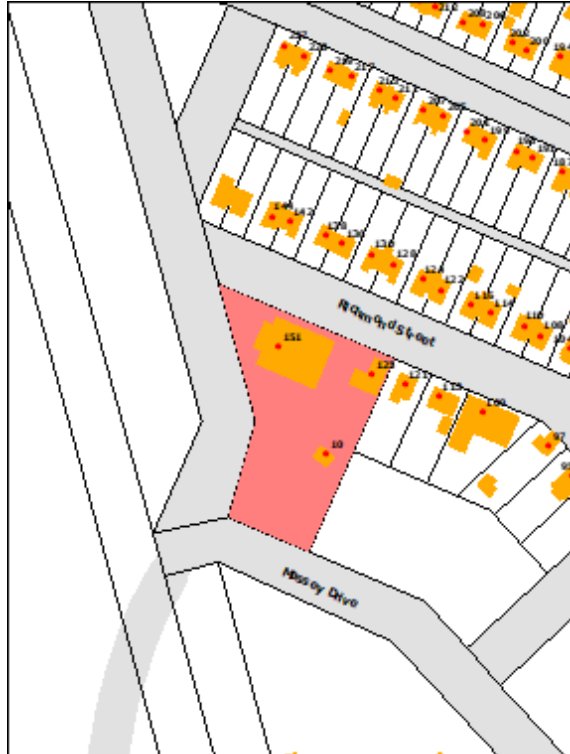
Pursuant to Part 4, Policy 3.b of the Planning Strategy, the use of a mobile home converted to operate any use permitted in this Zone is banned throughout the jurisdiction of this Zone.

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### **Section 10 Special Provisions for Site of Truck Repair Business on Richmond Street, Sydney**

- a. The site subject to this Section comprises the property parcel consolidated from the property identification numbers listed below and highlighted in red on the map on the next page.  
15009301 15562366 15128382 15128366 (i.e. 10 Cape Breton Street, and 151/121 Richmond Street)
- b. Other than the residential uses listed in the Uses Permitted Section of this Zone (i.e. Section 1) the only other permitted use at the site subject to this Section shall be the operation of a motor vehicle repair and parts retail business development in compliance with the following provisions and Sections 6 and 8 of this Zone, and any relevant section of the General Provisions Part.
- c. The use of this site is comprised of three main functions; the main building where repairs take place and the storage of parts, equipment and material used to repair motor vehicles, the building housing the business office, and the yard where motor vehicles waiting for repairs and staff motor vehicles are parked.
- d. No Development Permit to expand the main building at this site and/or the conversion of the dwelling at 15128366 into a business office without the written confirmation from the owner that the pre-fabricated modular building in existence at the site on the date this zoning provision came into effect is to be removed and the business office is to be re-located within the building occupying PID# 15128366. The above mentioned pre-fabricated modular building shall be removed within 6 months of the date the Development Permit to expand the main building is issued.
- e. No expansion of the main building shall result in the demolition, or the reduction in size of the building existing on 15128366 as of the date this amendment came into effect.
- f. No buildings, structures or parking area shall be within 10 ft. of any boundary shared with PID# 15128358 (i.e. 121 Richmond Street). The purpose of this 10 ft. buffer is to screen the buildings and parking area from the view plane at 15128358 (121 Richmond) by a combination of vegetation and fencing. This 10 ft. buffer/screen shall include an opaque wooden or masonry fence at least 5 ft. in height. All other exposed ground on the site not occupied by a building or the parking area shall comply with the definition of this By-law for landscaped open area.

- g. Outdoor display of products or advertising signage is prohibited in any yard or on the wall of a building facing Richmond Street. Outdoor display is permitted elsewhere on the lot parcel.
- h. No pedestrian or motor vehicle entrance to the main building shall be permitted using the wall facing Richmond Street.
- i. Outdoor storage of goods, materials, used bodies or parts of motor vehicles, or used bodies or parts of other vehicles, machinery or equipment, or miscellaneous dumped debris, whether used in the operation of a business or not shall be prohibited. Any such outdoor storage in existence prior to the issuance of a Development Permit to expand the main building shall be removed within one month of the issuance of the Final Occupancy Permit for the expansion of the main building.
- j. All parts of the parking area, as defined in this By-law, shall be covered with a permanent hard surface (asphalt pavement or similar material) within 6 months of the issuance of the Final Occupancy Permit for any expansion of the main building. The limits of the parking area shall be defined by a curb of concrete or rolled asphalt or other suitable obstruction designed to provide a neat appearance and safe ingress and egress.
- k. The parking area shall be in compliance with all provisions of Part 2, Section 27 of this By-law with the exception of Section "a" and sub-sections "c.9" "c.11". The parking area shall be divided into two parts; where motor vehicles are being stored while awaiting repairs; where motor vehicles are parked and not intended to be repaired (e.g. staff's and visitor's motor vehicles). The sector of the parking area where motor vehicles awaiting repairs are stored is not subject to sub-section "c.12" of Part 2.



## **Section 11 Special provisions for PID# 15394521 along Devison Lane**

No Development Permit shall be issued for a development that would not otherwise be permitted in the RUC Zone (i.e. the Zone in effect along the rest of Devison Lane) except in compliance with the following:

- When the sector of Sterling Road directly in front of McFadgen's bakery is both re-designed and re-constructed in a way that improves the intersection of Devison Lane with Sterling Road enough that the Traffic Authority for CBRM has once again designated and marked the Lane for two-way motor vehicle traffic; and
- the Traffic Authority imposes a ban on truck traffic along the Lane beyond PID# 15394521 except for trucks making deliveries to the dwellings along the Lane;
- the use of pre-fabricated industrial style buildings is prohibited to contain any land use;
- outdoor storage of any kind is prohibited;
- a warehouse as defined by this Bylaw or a storage building for the bakery of non-refrigerated products are the only land uses permitted;
- an inspection by a Property Inspector of the CBRM verifies PID# 15394521 is maintained in compliance with the dangerous and unsightly premises provisions of the Municipal Government Act;
- the fence erected along the boundary between the McFadgen bakery ingredient delivery yard and PID# 15394422 as shown in photographic evidence presented to CBRM Council on February 21<sup>st</sup>, 2012 is in a state of repair to the extent all posts are within 10 degrees of being perpendicular with the ground and all necessary slats or boards are in place between the posts and in a state of repair to generally act as an opaque screen with the exception of the spaces between the boards and the boards and posts, and any natural openings (e.g. wood knots), or has been replaced by an opaque wooden fence at least as high as the current fence.