



THE MUNICIPAL DISTRICT OF OPPORTUNITY NO. 17

BYLAW 2023-09

**BEING A BYLAW OF THE MUNICIPAL DISTRICT OF OPPORTUNITY NO. 17
TO AMEND BYLAW 2013-14, THE LAND USE BYLAW, AS AMENDED**

WHEREAS Section 191 of the *Municipal Government Act*, RSA 2000 c M-26, provides that a Municipal Council may amend its Land Use Bylaw;

AND WHEREAS the Council of the Municipal District of Opportunity No. 17 deems it in the public interest to amend Bylaw 2013-14, being the Municipal District of Opportunity No. 17 Land Use Bylaw, as amended, as it affects certain lands;

NOW THEREFORE the Council of the Municipal District of Opportunity No 17, duly assembled, enacts as follows:

1. Bylaw 2013-14 being the Municipal District of Opportunity No. 17 Land Use Bylaw, as amended, is hereby further amended as follows:
 - A. The Table of Contents is revised to inflect the insertions and deletions noted within this Bylaw;
 - B. That Part 1.3 Interpretation is amended by deleting the following definitions:
 - a. "heavy truck and equipment storage"
 - b. "outdoor storage"
 - C. That Part 1.3 Interpretation is amended by inserting the following definitions in alphabetical order:
 - a. **"Heavy Vehicle"** means a Vehicle, or a Vehicle with a Trailer attached, that has a gross weight of 7,000 kilograms or more, with or without load, or exceeds eleven meters in overall length;
 - b. **"Heavy Equipment"** means a powered vehicle that is specifically designed for construction and/or earthmoving tasks and includes, but is not limited to: wheel loaders, bulldozers, excavators, scrapers, backhoes, graders, and forklifts.
 - c. **"heavy vehicle parking lot"** means the on-lot, outdoor parking of heavy vehicles and may also include the parking of heavy equipment;
 - d. **"heavy vehicle and equipment storage"** means the on-lot storage, inside a ancillary building, of heavy vehicles and/or heavy equipment owned and operated by a resident or residents of the single family dwelling or manufactured home situated on the same lot. The storage building for these purposes, which may be allowed in addition to a vehicle garage and other ancillary buildings not related to heavy truck and equipment storage use, shall be no larger than 300 m² (3,229 ft. 2) and be designed to match or complement the single family dwelling, modular or manufactured home to the satisfaction of the Development Authority. This use shall not include the outdoor parking of heavy vehicles and/or equipment;
 - e. **"outdoor storage"** means a development where, in the opinion of the Development Authority, goods, materials, and/or heavy equipment are or may be placed outside of a building on a more or less permanent or continuous basis, and shall not include a heavy vehicle parking lot;
 - f. **"Trailer"** means a Vehicle so designed that it may be attached to or drawn by a Vehicle or implement of husbandry, and intended to transport property or persons, but does not include machinery or equipment used in the construction or maintenance of roads;
 - g. **"Vehicle"** means a device in, upon or by which a Person or thing may be transported or drawn upon a Municipal Road and includes an Off-Highway Vehicle, as defined in Bylaw 2022-12, as amended or replaced, and a combination of Vehicles, but does not include a mobility aid; and
 - D. That Part 8 Land Use Districts – General Regulations is amended by inserting a new Part 8.23A Heavy Vehicle Parking Lots as follows:

8.23A Heavy Vehicle Parking Lot

- (1) A heavy vehicle parking lot shall be located at least 30 m (100 ft.) from any water body or watercourse in the Municipal District.
- (2) A minimum of 25% of the required front yard, side yard, and rear yard setback identified for a heavy vehicle parking lot shall be retained as open space and shall be landscaped.
- (3) All off-street parking facilities shall be separated from the property line or street by a landscaped area at least 2.0 m (6.5 ft.) in width and shall have suitable barriers to prevent motor vehicles from encroaching onto landscaped areas.
- (4) All off-street parking facilities shall have suitable barriers to prevent any material being stored on the lot from leaking onto an adjacent parcel or public roadway.
- (5) All off-street parking facilities shall be hard surfaced to the satisfaction of the Development Authority.
- (6) A landscaped area at least 3.0 m (9.8 ft.) in width shall be required adjacent to any property line which abuts a non-industrial district.
- (7) The landscaping requirements for heavy vehicle/vehicle parking lots shall be:
 - (a) one (1) tree for every 15.0 linear meters (49 linear feet) along any rear or side lot line that is shared with a non-industrial district or use other than a public roadway.
 - (b) any side or rear yard areas that abuts a non-industrial district or use other than a public roadway, with or without an intervening lane, shall be screened to a minimum height of 1.8 m (6.0 ft.) by fences, privacy walls, earth berm, gates or landscaping that creates screening between the uses, to the satisfaction of the Development Authority; and
 - (c) any yard area utilized for heavy vehicle/heavy vehicle parking lots that abuts a non-industrial district or use other than a public roadway, with or without an intervening public roadway, shall require a solid fence, earth berm, or combination thereof, to substantially obstruct the view into the heavy vehicle/heavy vehicle storage lot area, to the satisfaction of the Development Authority.

E. That Part 8 Land Use Districts – General Regulations is amended by revising Part 8.42 Objects Prohibited or Restricted in Yards as follows:

a. Part 8.42(6) is deleted and replaced with the following:

- (6) No person shall keep or permit in any part of any yard in the R1, R1A, R1B, R1C Districts on lots smaller than 0.2 ha (0.5 ac.) in area any vehicle, loaded or unloaded, of a gross vehicle weight in excess of 7000.0 kg (15,432.4 lbs.) for longer than is reasonably necessary to load or unload the Vehicle.

b. Part 8.42 is amended to include the following after Part 8.42(6):

- (7) Notwithstanding section (6), above, in the R1, R1A, R1B, R1C, and R1D Districts, on lots larger than 0.2 ha (0.5 ac.) in area, one (1) Vehicle, loaded or unloaded, of a gross vehicle weight in excess of 7,000.0 kg (15,432.4 lbs.) may be parked on the lot.
- (8) In the E, C2, CH, M1, M2, and M3 Districts, and in any Direct Control District, no person shall keep, permit to keep, or park any vehicle in excess of 7,000.0 kg (15,432.4 lbs.) for longer than is reasonably necessary to load or unload the Vehicle, unless a development permit for a "Heavy Vehicle Parking Lot" has been issued for the portion of the lot being used for parking.

F. That Part 9 – Land Use Districts – District Regulations, is hereby amended to add "Heavy Vehicle Parking Lot" as a Discretionary Use in the following land use districts:

- a. E – Resources District;
- b. C2 – Commercial District;
- c. CH – Highway Commercial District;

- d. M1 – Industrial District;
- e. M2 – Industrial District;
- f. M3 – Industrial District; and
- g. DC – Direct Control District

in alphabetical order and renumber each list of Discretionary Uses accordingly.

- G. The entire Land Use Bylaw is revised to correct minor typographical and/or clerical errors, where the error does not impact the interpretation of the Bylaw.

This Bylaw comes into effect upon the date of the final Reading thereof.

READ A FIRST TIME this 12 day of July, A.D. 2023


Marshall D. Auger, Reeve


Chad Tullis, Chief Administrative Officer

PUBLIC HEARING held on 10th day of August, A.D. 2023.

READ A SECOND TIME this 10th day of August, A.D. 2023.


Marshall D. Auger, Reeve


Chad Tullis, Chief Administrative Officer

READ A THIRD TIME AND PASSED this 10th day of August, A.D. 2023.


Marshall D. Auger, Reeve


Chad Tullis, Chief Administrative Officer