

CITY OF KELOWNA
BYLAW NO. 12300

A Bylaw to Adopt an Official Community Plan for the City of Kelowna

A bylaw to replace the "*Kelowna 2030 – Official Community Plan Bylaw No. 10500*".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

WHEREAS the Council of the City of Kelowna wishes to adopt an official community plan pursuant to Part 14 of the Local Government Act;

AND WHEREAS Council may adopt an official community plan by bylaw and each reading of the bylaw must receive an affirmative vote of a majority of all members of Council;

AND WHEREAS after first reading of the bylaw Council shall, in sequence, examine the official community plan in conjunction with its most recent financial plan and any waste management plan pursuant to Section 477 of the Local Government Act;

AND WHEREAS if the official community plan applies to land in an agricultural land reserve established under the Agricultural Land Commission Act, after first reading of the bylaw Council shall refer the official community plan to the provincial Agricultural Land Commission for comment;

AND WHEREAS Council shall, in the course of preparing its official community plan, consult with the school boards for those school districts included within the official community plan;

AND WHEREAS before Council gives third reading to the bylaw, Council shall hold a public hearing on the proposed official community plan in accordance with Sections 464 through 470 of the Local Government Act;

AND WHEREAS Council of the City of Kelowna has complied with all requirements of the Local Government Act prior to adoption of this bylaw and official community plan including all of the foregoing;

AND WHEREAS after the bylaw adopting the official community plan has received final reading, the plan is an official community plan of the municipality;

AND WHEREAS pursuant to Section 477 of the Local Government Act, each reading of this bylaw receive an affirmative vote of a majority of all members of the Council;

NOW THEREFORE the Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. "Kelowna 2040 – Official Community Plan" attached hereto as Schedule "A" and forming part of this bylaw is adopted as the official community plan of the City of Kelowna.
2. If any statement, section, sub-section, clause, sub-clause or phrase of this bylaw and the official community plan adopted by this bylaw is for any reason held to be invalid by a decision of a court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of the bylaw and official community plan.
3. Pursuant to Section 478 of the Local Government Act, an official community plan does not commit or authorize a municipality to proceed with any project that is specified in the plan. All

bylaws enacted or works undertaken by a council after the adoption of an official community plan must be consistent with the relevant plan.

4. City of Kelowna 2030 – Official Community Plan Bylaw No. 10500, and all amendments thereto, are hereby repealed.
5. This bylaw may be cited for all purposes as the "Kelowna 2040 – Official Community Plan Bylaw No. 12300".

Read a first time by the Municipal Council this 20th day of September, 2021.

Considered at a Public Hearing on the 26th day of October, 2021.

Read a second and third time by the Municipal Council this 26th day of October, 2021.

Approved by the Minister of Agriculture this 15th day of December, 2021

Lana Popham

(Minister of Agriculture)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Schedule "A"

Kelowna 2040 Official Community Plan