

DIVISION 12 - COMMERCIAL STRATA LOTS**39. COMMERCIAL STRATA LOT DEFINED**

39.1 In these bylaws, "commercial strata lot" means a strata lot in the strata plan that is not a residential strata lot.

40. SIGNAGE

40.1 An owner of a commercial strata lot, or a tenant of the owner with the owner's prior written agreement, will have the right to install and maintain business signage in the designated signage space on the common property above the store front of the owner's commercial strata lot, subject to compliance with the following conditions:

- (a) before installation, the owner or tenant will:
 - (i) obtain all municipal approvals for the signage and comply with all municipal requirements in connection therewith; and
 - (ii) submit plans and specifications for the signage to the strata council and obtain the prior written approval of the strata council for the installation, which approval the strata council will not unreasonably withhold or delay, it being acknowledged that it shall be unreasonable for the strata council to withhold or delay its consent to such signage provided the plans and specifications meet the bylaw requirements of the City of North Vancouver, notwithstanding that the members of the strata council do not agree with the stylistic components of such signage, for example, but without limitation, the logo style, colour or form.
- (b) the owner or tenant, at their cost, will maintain the signage continuously in good condition; and
- (c) the signage will comply with all reasonable rules and guidelines for signage established from time to time by the strata corporation.

41. USE PROHIBITIONS

41.1 An owner must not use, and an owner must not suffer or permit a tenant or occupant of a Commercial Strata Lot, to use a Commercial Strata Lot:

- (a) for a use that would not be permitted by the City of North Vancouver Zoning Bylaws as amended, repealed or replaced from time to time; or,
- (b) without limiting the generality of the foregoing as:
 - (i) a facility that provides escort or dating services or permits exotic dancing;
 - (ii) a funeral parlour, massage parlour, body rub parlour, tattoo parlour or any type of martial arts;

- (iii) a club hall, community centre or neighbourhood house;
- (iv) a flea market, pawnshop, or second hand store;
- (v) an amusement or games business;
- (vi) a pub, neighbourhood pub, lounge, night-club, discotheque or dance hall;
- (vii) a theatre, auditorium, meeting hall, auction hall, pool hall or casino;
- (viii) an automotive repair shop;
- (ix) a manufacturing facility;
- (x) an adult retail store engaged in the sale or rental of adult oriented products, publications, DVDs, and other types of electronic images;
- (xi) an adult book or adult video store;
- (xii) a re-cycling depot or storage of waste or hazardous material;
- (xiii) a full service restaurant or fast food restaurant;
- (xiv) a laboratory;
- (xv) a sign printing shop;
- (xvi) a detoxification or public health care office;
- (xvii) a social service centre;
- (xviii) a commercial or retail wholesaling facility;
- (xix) a store engaged primarily in the sale of fire works and related goods; or
- (xx) a use that causes unreasonable noise or nuisance to neighbouring Residential Strata Lots and therefore is not compatible with a mixed use residential/commercial building

These restrictions shall be in addition to and not in derogation of the bylaws from time to time of the City of North Vancouver or any Section 219 Land Title Act restrictive covenants, and the obligation and liabilities imposed by statute or common law on the owners and occupiers from time to time of the strata lots, all of which shall be duly observed and complied with.

- 41.2 Except as provided by section 42.1, the strata corporation will not pass, approve or make any bylaw or rule that prohibits an owner or its tenant from using the owner's commercial strata lot for a use permitted by the applicable city zoning bylaw or approved by the City of North Vancouver.

41.3 The prohibitions on use set forth in section 41.1(b) may not be removed or amended without a resolution passed by both the Residential Section and the Commercial Section.

42. HOURS OF OPERATION

42.1 The strata corporation will not pass, approve or make any bylaw or rule that prohibits an owner or its tenant from carrying on business in the owner's commercial strata lot during any hours not prohibited by municipal or provincial law, bylaw or regulation.

43. NO PROHIBITION AGAINST LEASING A COMMERCIAL STRATA LOT

43.1 The strata corporation will not pass, approve or make any bylaw or rule that prohibits the leasing or subleasing of a Commercial Strata Lot or the granting of a licence to occupy a Commercial Strata Lot.

44. OWNER DEVELOPER

44.1 The Owner Developer shall be entitled to place and keep on the Common Property for so long as the Owner Developer continues to market any Strata Lots in the Development, such signage as the Owner Developer requires in its absolute discretion. The Owner Developer may retain one or more Strata Lots in the Development for use as a sales office and/or display suite for the purposes of selling Strata Lots in the Development and other strata projects developed by a company or companies affiliated with the Owner Developer and shall be entitled to use the Common Property facilities, parking and limited common property associated with such Strata Lots for its marketing activities.