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City of Portland, Maine

IN THE CITY COUNCIL

(17) 211 - 1/07/91

AMENDMENT TO ZONING MAP
RE: CONDITIONAL B-1 REZONING
69-71 FEDERAL STREET

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND, MAINE
IN CITY COUNCIL ASSEMBLED AS FOLLOWS:

That the conditional rezoning for 69-71 Federal Street from
R-6 to B-1, approved by the City Council on June 6, 1990, be and
hereby is amended as follows:

1. The second and third floors shall be maintained as residential uses and the fourth shall be reserved for residential uses only.
2. The B-1 Business uses shall be limited to professional office, and retail uses, and one (1) restaurant, subject to the provisions of sections 14-163(1) and 14-474 of the Portland City Code. The restaurant shall be located on the first floor only and the professional offices and retail uses shall be located on the first and second floors only.
3. The B-1 uses shall be required to lease two (2) off-site parking spaces, covering normal business hours, for employee use. The B-1 uses and the residential uses, except for those residential uses which are determined to be grandfathered, shall meet the parking requirements of Division 20 of Chapter 14 of the Portland City Code.
4. The B-1 uses shall be allowed on the first floor and shall have hours of operation which do not exceed seven (7:00) a.m. to nine (9:00) p.m. The B-1 uses permitted by this rezoning shall have hours of operation which do not exceed six (6:00) a.m. to ten (10:00) p.m.
5. Exterior alterations or renovations to the building, including signage, shall receive administrative review under the standards of the historic preservation ordinance and shall be completed within two (2) years of passage of these amendments by the City Council. Exterior improvements and alterations shall include brick cleaning, painting, and repairs to windows, doors, and trim.
6. The applicant shall record the approved conditions of

B-1.CONDREZFED.004
12.20.90

rezoning in the Cumberland County Registry of Deeds and shall submit proof of recording to the Planning Authority.

7. No home occupations shall be permitted in the building.
8. The entrance to the first floor retail or restaurant use at 69 Federal Street shall be located on India Street.

The above stated restrictions, provisions and conditions are an essential part of the rezoning, shall run with the subject premises, shall bind the owner, its successors and assigns, of said property or any part thereof or interest therein, and any party in possession or occupancy of said property or any part thereof, and shall inure to the benefit of and be enforceable by the City of Portland, by and through its duly authorized representatives.

If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such determination shall not affect the validity of the remaining portions hereof.

Except as expressly modified herein, the use and occupancy of the subject premises shall be governed by and comply with the provisions of the Land Use Code of the City of Portland and any applicable amendments thereto or replacement thereof.

In the event of a breach of any condition(s), the developer shall apply for a modification to the concept plan. The Planning Board will attempt to resolve the issues resulting in the breach. That resolution may include a recommendation to the City Council that the site be rezoned to R-6.