

Order 22-07/08

Given first reading on 7/16/07

Public Hearing, Amended & Passed 8/6/07 7-0 (Cohen, Carr absent)

NICHOLAS M. MAVODONES (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
DONNA J. CARR (3)
CHERYL A. LEEMAN (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

JAMES I. COHEN (5)
JAMES F. CLOUTIER (A/L)
JILL C. DUSON (A/L)
EDWARD J. SUSLOVIC (A/L)

**ORDER AUTHORIZING AMENDMENT TO CITY CODE
SEC. 14-49 (ZONING MAP AMENDMENT)
AMENDING CONDITIONAL REZONING AGREEMENT
PASSED BY CITY COUNCIL ON 1/3/05
RE: PROPERTY AT 409 CUMBERLAND AVENUE**

ORDERED, that the Zoning Map of the City of Portland, dated December 2000 as amended and on file in the Department of Planning & Development, and incorporated by reference into the Zoning Ordinance by Sec. 14-49 of the Portland City Code, is hereby amended to reflect an amendment to the Conditional Rezoning Agreement regulating property at 409 Cumberland Avenue, namely that Paragraph 8 of the Conditional Rezoning Agreement shall be revoked and replaced in total with the following language:

- 8. This conditional rezoning shall become null and void, and the SITE shall revert to the existing B-3, B-3c and R-6 zones in the event the Developer fails to commence construction on or before August 2, 2008.**

Notwithstanding any provisions in the Portland Land Use Code to the contrary, all approvals granted by the Portland Planning Board relating to the physical development of the SITE (including but not limited to site plan and subdivision approval) are hereby extended through August 2, 2008.

This paragraph 8 shall be retroactive to the 1/3/05 and shall be construed as if it were originally adopted on that date.

BE IT FURTHER ORDERED, that this order shall be effective on the 30th day after August 6, 2007 so long as Mr. Cohen has paid his outstanding debt to the City on or before that date.

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Cumberland Ave (Cohen) amendment 071007.doc