

- (b) *Vested rights.* The following types of developments may be exempted from the requirements of school concurrency by a school concurrency vested rights certificate; provided, however, a certificate shall not be issued until an application for school concurrency vested rights, accompanied by sufficient documentation and any applicable fee, is submitted and approved by the concurrency management official based on a review by the Orange County Attorney's Office:
- (1) *Approved site plan/plat.* Any new residential development that has site plan approval for a site pursuant to a specific development order approved on or before September 16, 2008, including the portion of any project that has received final subdivision plat approval as a residential subdivision into one (1) dwelling unit per lot.
 - (2) *DRI development order.* Developments of regional impact that have filed a complete application for a development order prior to May 1, 2005, or for which a development order was issued prior to July 1, 2005.
 - (3) *Developers agreement.* The portion of any residential development that, on or before September 16, 2008, is the subject of a binding and enforceable developers agreement or capacity enhancement agreement designated as a capacity commitment agreement by resolution of the school board.
 - (4) *Common law.* Any other project for which there is proof that, as of September 16, 2008:
 - a. A development order has been issued or the county has otherwise taken official action specifically with respect to development of the property; and
 - b. Extensive obligations or expenses (other than land purchase costs and payment of taxes) including, but not limited to, legal and professional expenses related directly to the development have been incurred or there has otherwise been a substantial change in position; and
 - c. Such obligations, expenses, and changes in position were undertaken by the property owner in good faith reliance on the actions taken by the county; and
 - d. It would be unfair to deny the property owner the opportunity to complete the project based on the project's effects on the levels of service for public schools as adopted by the comprehensive plan and implemented through the county concurrency management system.
- (c) *County review of application.* The county shall determine within forty-five (45) business days from receipt of a completed exemption application or school concurrency vested rights application, whether the applicant has satisfied the applicable criteria for the exemption or vested rights certificate and shall notify the applicant and the school board in writing of its determination.

(Ord. No. 2010-10, § 2, 9-21-10)

Sec. 30-375. - Expiration of exemption or vested rights certificates for school concurrency.

- (a) *Expiration of school concurrency exemptions under subsection 30-374(a).* School concurrency exemptions listed in subsection 30-374(a) shall expire when the basis for the exemption terminates or expires.
- (b) *Expiration of school concurrency vested rights certificates under subsection 30-374(b).* School concurrency vested rights listed in subsection 30-374(b) shall expire as follows:
 - (1)