**ORDINANCE NO. 03-__**

**AN ORDINANCE AMENDING CHAPTER 10, SECTION 99 OF THE LEON COUNTY OF LAWS T0 PROVIDE FOR AN EXTENSION OF THE TIME FRAME FOR THE CONSIDERATION OF RE-ESTABLISHMENT OF VESTED DEVELOPMENT RIGHTS, TO ESTABLISH PROVISIONS FOR THE RE-GRANTING OF VESTED DEVELOPMENT RIGHTS FOR THE UNBUILT PHASES ON CONCEPTUALLY APPROVED PLANNED UNIT DEVELOPMENT PROJECTS, AND PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA:

**SECTION 1.** Chapter 10, Section 99 is hereby amended to provide as follows:

d. *Re-granting of vested development rights.* Upon application to the county and payment of any filing fees, the owner of property on which vested development rights had been previously granted, and which had expired, shall be permitted to request that the county re-vest the said property. Said application for re-granting of vested developments shall be made on or before ~~November 1, 1998~~ November 3, 2003. The hearing on said application shall be conducted by the Leon County Board of County Commissioners, generally in accord with the procedures set forth in Section 10-114 of the Leon County Code of Laws.

(1) Basis for re-vesting. The Leon County Board of County Commissioners shall consider only the following criteria with

regard to the re-establishment of vested development rights on the subject property at a public meeting (but no public hearing on the application is required):

a. The applicant shall prove by a preponderance of the evidence that the applicant or property owner, acting in good faith upon some act or omission of the county, has made a substantial change in position or has incurred such extensive obligations and expenses that it would be highly inequitable and unjust to not re-establish the vested development rights previously granted to the subject property; and,

b. The applicant shall prove by a preponderance of the evidence that a substantial portion of all required infrastructure for the subject property/subdivision has been installed prior to the expiration of the originally granted vested development rights; and,

c. No prior extension of the vested development rights has been obtained for the subject property.

(2) Not withstanding paragraph (1), re-vesting for conceptually approved phase or phases of planned unit developments shall be based only on the following criteria:

a. The ability of the applicant to demonstrate that adequate public infrastructure is available to support the anticipated

off-site impacts such as but not limited to transportation, storm water, and environmental impacts associated with the unbuilt phase or phases of the previously approved conceptual plan of development; and,

b. The ability of the applicant to demonstrate that the unbuilt phase or phases of the development will be compatible with the existing or planned land uses that are adjacent to or in close proximity to the proposed development including the internal cohesiveness, compatibility, and spatial integration with the developed portions of the project as established in the previously approved master plan for the planned unit development; and,

c. The ability of the applicant to demonstrate that the development of the unbuilt phase or phases of the previously approved conceptual planned unit development will comply with the protection of conservation and preservation features that may be onsite consistent with the provisions of the Comprehensive Plan and Land Development Code.

~~(2)~~ (3) In no case shall the vested development rights be re-established for a period of time longer than one additional year from the date of the granting by the Leon County Board of County Commissioners.

~~(3)~~ (4) All other terms and conditions of the previously granted vested development rights shall apply to the re-establishment of the vested development rights, and additional conditions consistent with the re-establishment of the vested development rights may be imposed by the Leon County Board of County Commissioners on this application.

~~(4)~~ (5) Notice of the consideration of such an application for re-granting of vested development rights shall be provided by posting a notice on the subject property at least ten calendar days in advance of the consideration by the Leon County Board of County Commissioners.

**SECTION 2.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, except to the extent of any conflicts with the Tallahassee-Leon County 2010 Comprehensive Plan as amended, which provisions shall prevail over any parts of this ordinance which are inconsistent, either in whole or in part, with the said Comprehensive Plan.

**SECTION 3.** If any word, phrase, clause, section or portion of this ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 4.** This ordinance shall become effective as provided by law.

**DULY PASSED AND ADOPTED BY** the Board of County Commissioners of Leon County, Florida, this ____ day of _____, 2003.

**LEON COUNTY, FLORIDA**

**By:**_____

**Tony Grippa, Chairman**
**Board of County Commissioners**

ATTESTED BY:
BOB INZER, CLERK OF THE COURT

By:_____
CLERK

APPROVED AS TO FORM:

COUNTY ATTORNEY'S OFFICE
LEON COUNTY, FLORIDA

By:_____
HERBERT W.A. THIELE
COUNTY ATTORNEY

Vested Rights Ordinance.wpd